

# **EXHIBIT 9**

M6SQmax1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x  
4 UNITED STATES OF AMERICA,

5 v.

20 CR 330 (AJN)  
Sentencing

6 GHISLAINE MAXWELL,

7 Defendant.

8 -----x

New York, N.Y.  
June 28, 2022  
11:00 a.m.

9 Before:

HON. ALISON J. NATHAN,

10 United States Circuit Judge  
11 Sitting by Designation

12 APPEARANCES

13 DAMIAN WILLIAMS

14 United States Attorney for the  
15 Southern District of New York

16 BY: MAURENE COMEY

ALISON MOE

17 LARA POMERANTZ

ANDREW ROHRBACH

Assistant United States Attorneys

18 HADDON MORGAN AND FOREMAN

Attorneys for Defendant

19 BY: CHRISTIAN R. EVERDELL

-and-

20 BOBBI C. STERNHEIM

21 Also Present: Amanda Young, FBI

Paul Byrne, NYPD

22 Sunny Drescher,

23 Paralegal, U.S. Attorney's Office

M6SQmax1

(In open court; case called)

DEPUTY CLERK: Counsel, please state your name for the record starting with the government.

MS. MOE: Good morning, your Honor. Alison Moe, Lara Pomerantz, Maurene Comey and Andrew Rohrbach for the government. We're joined at counsel table by paralegal specialist Sunny Drescher. Also as a member of our team in the gallery are our case agents, Special Agent Amanda Young and Detective and Paul Byrne.

THE COURT: Good morning to you all.

MS. STERNHEIM: Good morning. Bobbi C. Sternheim and Christian R. Everdell for Ghislaine Maxwell, who is present at counsel table.

THE COURT: Good morning, Counsel.

Good morning, Ms. Maxwell.

Please, be seated everyone.

We are here today for sentencing in United States v. Ghislaine Maxwell 20 CR 330.

In preparation for today's proceeding, I have reviewed the probation report, which is dated June 9, 2022 by revision date.

I have also received and reviewed the following additional submissions: I have the defense memorandum in support of PSR objections, which is dated June 15, 2022. I have the defendant's primary sentencing submission, which is

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmax1

1 dated June 15, 2022. There are exhibits attached to that  
2 sentencing submission, Exhibits A through J. A through H --  
3 I'm sorry -- A through I were a series of letters from friends  
4 and family members of Ms. Maxwell. J is a forensic psychiatric  
5 evaluation. And then I received by a later transmission date  
6 of June 26, 2022 a letter from an inmate at MDC related to  
7 Ms. Maxwell's assistance of other inmates with tutoring.

8 I have the government's sentencing submission, which  
9 is dated June 22, 2022.

10 With respect to victim impact statements, I have dated  
11 June 22, 2022 a victim impact statement from Annie Farmer. I  
12 have a victim impact statement from the witness who went by the  
13 name of Kate under my pseudonym order during trial. That I  
14 believe is undated. I have a statement dated June 22, 2022  
15 from Virginia Roberts, or Giuffre. I have same date from  
16 Juliette Bryant, same date from Maria Farmer, same date from  
17 Teresa Helm. I also have undated statements from Sarah  
18 Ransome -- I apologize if I'm saying your name wrong -- and  
19 Elizabeth Stein.

20 Counsel, is there anything else I should have in front  
21 of me for purposes of sentencing?

22 MS. MOE: No, your Honor. Thank you.

23 THE COURT: Ms. Sternheim.

24 MS. STERNHEIM: Other than the submissions that we  
25 made in connection with the CVRA, that is a complete record of

M6SQmax1

1 what we have received and reviewed.

2 THE COURT: Yes. Thank you. And that is part of the  
3 record including there was an ethics letter and other materials  
4 submitted in connection with your objection to that.

5 MS. STERNHEIM: Thank you very much.

6 THE COURT: Thank you.

7 All right. Counsel, would you just please confirm  
8 that you've received each other's submissions?

9 MS. MOE: Yes, your Honor.

10 MS. STERNHEIM: Yes.

11 THE COURT: Let's also confirm all submissions are  
12 filed on ECF.

13 MS. MOE: That's correct, your Honor.

14 MS. STERNHEIM: Yes.

15 THE COURT: Thank you.

16 Ms. Moe, I did have the government indicate this in a  
17 letter, but if you would confirm and articulate what the  
18 government has done to notify any crime victims of their rights  
19 under the Justice For All Act?

20 MS. MOE: Yes, your Honor.

21 With respect to the six individuals who were proved at  
22 trial to be directly impacted by the offense conduct, the  
23 government has notified those individuals through their counsel  
24 about the sentencing and about their right to be heard.

25 In addition to that notification, the government has

M6SQmax1

1 used the victim notification page on the U.S. Attorney's Office  
2 website regarding this case about the upcoming sentencing.

3 THE COURT: And you posted the Court's order there  
4 regarding a process for submission of statements.

5 MS. MOE: Yes, your Honor.

6 THE COURT: Thank you.

7 We'll turn to the presentence report.

8 Ms. Sternheim, I know that you have because you've  
9 objected to a lot which we will talk about, but for the record,  
10 have you read the presentence report and discussed it with your  
11 client?

12 MS. STERNHEIM: Yes, your Honor.

13 And, if I may, Mr. Everdell will handle the objections  
14 portion of our presentation.

15 THE COURT: Okay. We'll get to that in just a moment.  
16 Thank you.

17 Ms. Maxwell, can you please confirm that you've read  
18 the presentence report and had a full opportunity to discuss it  
19 with your counsel?

20 THE DEFENDANT: I did have an opportunity to read it.

21 THE COURT: And an opportunity to discuss it with your  
22 counsel?

23 THE DEFENDANT: I did.

24 THE COURT: Okay.

25 Ms. Moe, for the record, have you reviewed the

M6SQmax1

1 presentence report?

2 MS. MOE: Yes, your Honor.

3 THE COURT: Thank you.

4 So we will turn first -- we'll set aside first the  
5 guideline calculation. We'll turn to the factual accuracy of  
6 the report. And I did receive substantial factual objections  
7 to factual assertions in the report. I am prepared to go  
8 through those with respect to any continuing factual objections  
9 by the defense.

10 Let me confirm, Ms. Moe, does the government have any  
11 objections to the report regarding factual accuracy?

12 MS. MOE: None, aside from those which are already  
13 noted in the PSR.

14 THE COURT: No continuing objections.

15 MS. MOE: That's correct, your Honor.

16 THE COURT: Mr. Everdell, I know that you do have  
17 continuing objections. Tell me where you'd like to begin.

18 MR. EVERDELL: Well, your Honor, I don't know if the  
19 Court is planning on resolving each and every factual  
20 discrepancy or dispute or whether there are certain ones that  
21 the court will find are relevant to sentencing or whether we  
22 should go through each in detail.

23 THE COURT: I am prepared to -- what I typically do is  
24 go through each one so that if there is a correction to the  
25 report that is being requested to be made, whether it's

M6SQmax1

1 material to sentencing or not, I am prepared to address it.

2 So I believe the first -- what I see as your first  
3 continued objection is to paragraph 22.

4 MR. EVERDELL: I'm just getting my submissions.

5 Yes, that's correct, your Honor.

6 THE COURT: I overrule the objection. I do credit  
7 Juan Alessi's testimony that the defendant identified and  
8 targeted Virginia after seeing her in the Mar-a-Lago parking  
9 lot. The defendant also worked with Epstein to identify and  
10 target Jane.

11 Paragraph three I see three objections to this  
12 paragraph. Is that a continuing objection, Mr. Everdell?

13 MR. EVERDELL: Paragraph three, your Honor?

14 THE COURT: 23. I apologize.

15 MR. EVERDELL: Yes, your Honor.

16 THE COURT: I overrule the objection. The first  
17 objection is regarding the conclusion that Ms. Maxwell was the  
18 author of the essay in the paragraph. I overrule the objection  
19 because a reasonable inference supported by the trial evidence  
20 is that the defendant authored the essay. Metadata indicated  
21 that the computer was registered to "GMax" and the document was  
22 saved under the user name "Ghislaine."

23 The second objection is to the assertion that Epstein  
24 transferred Ms. Maxwell approximately \$23 million during the  
25 conspiracy. I overrule that objection. Bank statements

M6SQmax1

1 admitted at trial showed that accounts under Epstein's name  
2 wired approximately \$23 million over two occasions during the  
3 conspiracy to accounts of "Ghislaine Maxwell." The defendant's  
4 assertion that Epstein's accountant may have had access to and  
5 control over these accounts does not undermine the reasonable  
6 inference that the defendant controlled the funds in accounts  
7 bearing her name, so that is established by a preponderance.

8 As to the third objection that there's no evidence in  
9 the record that Epstein bought the defendant her New York City  
10 townhouse, I overrule that objection because I credit Kate's  
11 testimony that the defendant told her that Epstein bought the  
12 defendant her New York townhouse.

13 Paragraph 25 is an objection to the characterization  
14 of the Palm Beach residence being operated through a culture of  
15 silence.

16 You'll let me know if you're not maintaining an  
17 objection.

18 MR. EVERDELL: Yes. I think that the default is we  
19 are, your Honor.

20 THE COURT: Understood.

21 I overrule this objection. Evidence at trial  
22 indicates that this was the case. For example, the household  
23 manual instructed employees to "see nothing, hear nothing, say  
24 nothing." I credit Mr. Alessi's testimony that he understood  
25 this instruction to be a kind of warning that he was supposed

M6SQmax1

1 to be blind, deaf and dumb, and to say nothing of Epstein's and  
2 Ms. Maxwell's lives.

3 Paragraph 26, there's an objection to the  
4 characterization concerning the defendant's identification and  
5 isolation of minor girls as inconsistent with the trial  
6 evidence. I overrule this objection for the same reasons as  
7 articulated with respect to paragraph 22. In addition, the  
8 trial evidence established that the defendant and Epstein  
9 isolated girls by spending time with them alone away from their  
10 families. For example, Annie's testimony regarding the trip to  
11 New Mexico. Jane's testimony that she would spend time at the  
12 Palm Beach residence alone with Epstein and the defendant.

13 Paragraphs 27 and 28 the defendant makes two  
14 objections: First, to the assertion that the defendant and  
15 Epstein developed a scheme that created a "constant stream of  
16 girls who recruited each other." And, second, she objects to  
17 the assertion that she encouraged minor girls to bring other  
18 minor girls to provide Epstein with sexualized massages.

19 Again, based on the trial testimony and evidence, I  
20 overrule the objection. It supported the information in these  
21 paragraphs. The evidence indicated the scheme started with the  
22 defendant's recruitment of Virginia. Virginia then enlisted  
23 Carolyn in addition to at least two other girls. Carolyn in  
24 turn recruited at least three friends, and those friends then  
25 brought more girls.

M6SQmax1

Carolyn credibly testified that she was paid twice as much when she brought friends to the massages. Based on the defendant's control of household and Carolyn's testimony that the defendant on occasion paid her directly, I find it more probable than not by a preponderance of the evidence that Virginia was also paid more as encouragement to recruit additional girls.

Paragraph 9, there's an objection to the inclusion of Kate in this paragraph. It argues that her name should be deleted because Kate is not a victim of the crimes charged in the indictment.

MR. EVERDELL: Your Honor, I'm sorry to interrupt. I think you said paragraph 9.

THE COURT: I did. I'm sorry. I'm skipping the first number for some reason. 29. Thank you, Mr. Everdell.

I overrule this objection because the paragraph doesn't assert that Kate was a statutory victim as we've discussed throughout trial and the government didn't contend that Kate was a victim of the crimes charged in the indictment, and that paragraph doesn't assert that she was.

Paragraphs 30 to 38, there's objection throughout these to the characterization of the defendant having groomed Jane. I overrule these objections. I think the government is right here that the objection is conflating grooming with enticement to travel for purposes of sexual contact. Jane's

M6SQmax1

1 credible trial testimony established that the defendant took  
2 steps to make Jane comfortable and encouraged her to engage in  
3 illegal sex acts with Epstein.

4 Paragraphs 39 to 45 which describe specific conduct  
5 involving Kate, I think the specific request here -- well,  
6 first, was that it should be removed from the PSR because Kate  
7 was not a victim of the crimes charged in the indictment, and  
8 then, alternatively, that it be moved to a different paragraph  
9 with a heading offense behavior not part of relevant conduct.  
10 I don't see that this is necessary. I overrule the objection.  
11 Conduct involving Kate may be considered at sentencing her  
12 testimony revealed additional details of the defendant's method  
13 of identifying and introducing to Epstein young girls for  
14 sexualized massages. Her testimony also established the  
15 defendant's knowledge of the sexualized nature of massages with  
16 Epstein.

17 Paragraph 43, the defendant contends this paragraph  
18 should include a sentence that Kate was above the age of  
19 consent at all times. I think the paragraph says that Kate was  
20 age 17 or above at all relevant times, and I have no objection  
21 to including that she was above the age of consent at all times  
22 based on the trial evidence, so I will make that change to  
23 paragraph 43 of the PSR.

24 Paragraph 54, the defendant objects that there's no  
25 evidence that Epstein paid for Annie's trip to Thailand. That

M6SQmax1

1 objection is overruled. Annie testified to this fact at trial,  
2 and I credit this testimony.

3 Paragraph 5 -- sorry -- did it again. 55, defendant  
4 makes three objections to the paragraph. I overrule the  
5 objections. The record supports that the defendant personally  
6 recruited Virginia to provide Epstein with sexualized massages  
7 when she was a minor. Jane and Kate's testimony established  
8 that the defendant was aware that the massages were sexualized.  
9 I credit Mr. Alessi's testimony that the defendant approached  
10 Virginia, and that Virginia visited the residence -- approached  
11 Virginia for the first time, and that Virginia visited the  
12 residence later that day. Flight records and credible witness  
13 testimony established that this meeting occurred before  
14 Virginia was 18. In addition, when Virginia brought Carolyn to  
15 the residence, the defendant greeted them and instructed  
16 Virginia to show Carolyn -- quoting from the trial record --  
17 "what to do." Carolyn then witnessed Virginia give Epstein a  
18 sexualized massage involving sexual intercourse. Finally, as I  
19 explained in my resolution to paragraphs 27 and 28, I do  
20 conclude that there is a sufficient basis to find by a  
21 preponderance of the evidence that the defendant used monetary  
22 incentives to encourage Virginia to recruit Carolyn.

23 Paragraph 58, the defendant objects to the assertion  
24 that Carolyn was 14 years old when Virginia brought her to  
25 Epstein's residence, claiming that Carolyn's recollection is

M6SQmax1

1 inconsistent and unreliable. I overrule this objection.  
2 Carolyn testified at trial that Virginia first brought her to  
3 Epstein's residence when she was 14 years old. I found Carolyn  
4 to be credible and credit her testimony. I'm not persuaded by  
5 the arguments to the contrary. Moreover, @Sean's credible  
6 testimony corroborated Carolyn's recollection.

7 Paragraph 59, the defendant makes two objections.  
8 Same objection to Carolyn being 14. For the reasons I've  
9 stated, that's overruled. She objects to Carolyn's assertion  
10 that she visited Epstein's residence more than a hundred times.  
11 I overrule that objection. Again, I credit Carolyn's  
12 testimony. She testified that she went to the house "over 100  
13 times." I reject the suggestion that this is improbable based  
14 on Epstein's travel schedule.

15 Paragraphs 61 and 62 again object to Carolyn's age,  
16 and I overrule for the same reasons.

17 Paragraph 64, three objections. First, the defendant  
18 objects to Carolyn's assertion that she visited the Palm Beach  
19 residence over a hundred times and her assertion that she was  
20 14. For the reasons I've given, I overrule those objections.  
21 She objects to the assertion that Carolyn stopped performing  
22 sexualized massages in 2001 when she was 18 years old and  
23 argues that the evidence indicates she was 17 years old. We're  
24 going to take up the issue of this timing question with respect  
25 to the issue of which Guidelines Manual controls. So I'll skip

M6SQmax1

1 that for now.

2 Paragraph 72, defendant objects to the assertion that  
3 Epstein briefly penetrated Carolyn's vagina with his penis  
4 because her trial testimony the defense claims is contradicted  
5 by a 2009 deposition testimony. I overrule this objection.  
6 Again, I credit Carolyn's testimony. Carolyn plainly testified  
7 to this at trial.

8 Paragraph 74, the defendant again objects to the  
9 assertion as to the age and timing. Again, we'll pick up on  
10 that issue when we discuss the appropriate guideline manual.

11 Paragraphs 75 and 76 the defendant objects to the  
12 inclusion of these paragraphs in the presentence report because  
13 the perjury counts have not been presented to a jury, and so  
14 she contends have no bearing on the sentence in this case. I  
15 do overrule this objection. A sentencing court's discretion is  
16 largely unlimited as to the kind of information it may  
17 consider. It's free to consider evidence of uncharged crimes,  
18 dropped counts of an indictment, criminal activity resulting in  
19 acquittal in determining sentence. *United States v. Bennett*,  
20 839 F.3d 153 (2d Cir. 2016). I may consider the information as  
21 long as the information is reliable and accurate. For the  
22 following reasons, I do conclude the information underlying the  
23 severed perjury charges is reliable. The defendant testified  
24 under oath in 2016 that she was not aware of Epstein's scheme  
25 to recruit underage girls for sexual massages and other than

M6SQmax1

1 Virginia, was unaware if she had interacted with anyone under  
2 the age of 18 at Epstein's properties. She never gave Annie  
3 Farmer a massage. She was unaware whether Epstein possessed  
4 sex toys. She was unaware that he was engaging in sexual  
5 activity with anyone other than her in the 1990s and 2000s.  
6 She never gave Epstein a massage. The credible testimony and  
7 evidence admitted at trial disproves these assertions which  
8 were made under oath.

9 Paragraph 79, the defendant objects to the  
10 characterization of the offense conduct as contrary to the  
11 trial record. Here, defense hasn't provided any reason  
12 specifying this, and I don't see one. So based on the written  
13 objection, it's overruled.

14 Paragraph 81, the defendant objects to the assertion  
15 that Ms. Maxwell had direct responsibility for any sexualized  
16 massages that several women or any other people that Carolyn  
17 may have brought to Epstein's residence may have performed, and  
18 she contends there's no record that she interfaced with these  
19 individuals. I am prepared to overrule that objection.

20 The paragraph makes clear that these individuals did  
21 not interact directly with Ms. Maxwell. Nevertheless, for the  
22 reasons explained a little while ago in overruling the  
23 objections to paragraphs 27 and 28, I do conclude that the  
24 evidence at trial established that the defendant's recruitment  
25 of Virginia set the recruitment scheme in motion that resulted

M6SQmax1

1 in the abuse of these individuals.

2 Paragraph 82, the objection is to the assertion that  
3 the records recovered from the Palm Beach residence during the  
4 2005 search reveal that additional minors provided Epstein with  
5 sexualized massages between 2001 and 2004. Again, I overrule  
6 the objection. The trial record including message pads, phone  
7 book entries, and testimony of witnesses establishes by a  
8 preponderance that the information contained in this paragraph  
9 is accurate.

10 Paragraph 83, so there was a revision here. I'm not  
11 sure if there is a continuing objection, Mr. Everdell. The  
12 previous objection was to the assertion that the defendant is  
13 responsible for the victimization of untold number of other  
14 victims. The probation department adopted the government's  
15 suggestion, revised the paragraph to assert that the defendant  
16 is responsible for the victimization of additional minor  
17 victims. To the extent there is a continuing objection, I  
18 overrule it for the reasons stated regarding paragraphs 27 and  
19 28.

20 Paragraph 85 is an objection to the inclusion of  
21 Kate's victim impact statement and her status under the CVRA.  
22 We have litigated the question of Kate's ability to make a  
23 statement here. I believe that defense's ultimate position was  
24 that with the requested redactions, there were no objections to  
25 her making a statement. Do I have that right?

M6SQmax1

MR. EVERDELL: That's correct, your Honor.

THE COURT: So I did reject the request for redactions for the reasons explained in my order. And as I explained in overruling the objection to paragraphs 39 to 45, Kate's testimony and her statement are relevant to sentencing which I've indicated she may give. And with that, there's objections pertaining to fine and assets and the like. I think we can turn to those when we get to the fine. Mr. Everdell, okay with that?

MR. EVERDELL: Yes, your Honor. So we'll delay the offense level calculation objections and the ones related to the financial penalties for now?

THE COURT: Yes, precisely, and we'll pick those up. I think otherwise that's it for what I understand to be continuing objections after probation responded to your requests and assertions. Agree with that, Mr. Everdell?

MR. EVERDELL: Your Honor, the only one that I would highlight is there was an objection, I believe it's framed according to paragraph 173, which deals with the financial penalties. The government made in their response some representations that we take issue with, but if you're planning on covering that later, we can reserve that till later because it does deal with the financial penalties.

THE COURT: Yes, I have objections to 172, 178, 192 and 193.

M6SQmax1

1 MR. EVERDELL: I guess in the final version, it  
2 probably pertains to 172.

3 THE COURT: Thank you.

4 And with that, no further factual objections that need  
5 resolution, Mr. Everdell?

6 MR. EVERDELL: Other than the ones we've just  
7 discussed, no, your Honor.

8 THE COURT: Ms. Moe?

9 MS. MOE: No, your Honor. Thank you.

10 THE COURT: So, with those rulings, hearing no further  
11 objections, with those rulings, I otherwise adopt the factual  
12 recitations set forth in the PSR. As in all cases, the PSR is  
13 sealed and made a part of the record in this matter. If an  
14 appeal is taken, counsel on appeal may have access to the PSR  
15 without further application to this court.

16 We'll turn now to the guideline calculation. As  
17 counsel is aware, I am no longer required to follow the United  
18 States Sentencing Guidelines, but I am still required to  
19 consider the applicable guidelines in imposing sentence and  
20 must therefore accurately calculate the Sentencing Guideline  
21 range. The parties dispute multiple aspects of the guideline  
22 calculation.

23 Just to outline the relevant overall calculations, the  
24 defense contends that the correct guideline calculation is 51  
25 to 63 months' imprisonment. The government contends that the

M6SQmax1

1 correct calculation is 360 to 660 months' imprisonment and  
2 argues that a guideline sentence is warranted.

3 The probation department has calculated the range at  
4 292 to 365 months' imprisonment, but recommends a downward  
5 variance to a term of 240 months' imprisonment.

6 Counsel, I have reviewed your written arguments  
7 carefully. I have a few questions I want to ask, but I don't  
8 need to hear repetition of your written arguments, but I would  
9 be happy to give you an opportunity to add anything beyond your  
10 submission if you'd like to make any additional arguments.

11 I'll hear from you now, Mr. Everdell.

12 MR. EVERDELL: Thank you, your Honor.

13 I will largely rely on my written submissions. I just  
14 would like to amplify one or two things.

15 Your Honor, our initial argument, of course, is that  
16 the Court must resolve who is to make the determination about  
17 which book like -- when the offense conduct ended, which  
18 determines guidelines book applies: the 2003 or 2004  
19 guidelines. We argue that that is a jury determination because  
20 the issue implicates the *Ex Post Facto* Clause. So the 2003  
21 guidelines must apply because the jury was never asked to make  
22 that factual determination.

23 I know your Honor is familiar with the arguments we  
24 raised. I would just point out that the government in their  
25 response really did not engage with our arguments about the

M6SQmax1

1 issue of the *Ex Post Facto Clause* being implicated. They want  
2 to cast this as purely a Sixth Amendment issue and cited cases  
3 along the *Apprendi* lines. But this is an ex post facto issue  
4 properly framed. This decision of when the offense conduct  
5 ended implicates whether or not an ex post facto violation will  
6 occur if the later guidelines is applied.

7 Under the cases that we've cited, your Honor, we think  
8 that that is an issue for the jury to decide, and it is not  
9 really in the *Apprendi* line of cases. It is focused on  
10 ex post facto law. I just, for example, highlight for your  
11 Honor the *Tykarsky* opinion that we cited for the Court. That  
12 is not an *Apprendi* decision. That is not a Sixth Amendment  
13 decision. In that case, there was an increase in the mandatory  
14 minimum that took effect potentially after the offense conduct  
15 ended. It's interesting that at the time the law was that you  
16 could do that, a judge could make a finding and increase it as  
17 long as it didn't increase beyond the statutory maximum, so  
18 there was no *Apprendi* issue there. That decision later got  
19 overruled by the Supreme Court, but at the time of *Tykarsky*, it  
20 clearly wasn't a Sixth Amendment *Apprendi* issue. They resolved  
21 that issue on an ex post facto basis. This decision about  
22 whether or not the offense conduct ended at a certain time, if  
23 it triggers an increase that implicates the ex post facto  
24 clause is a decision for the jury to make. The government has  
25 not responded to that argument, and we think that that is a

M6SQmax1

1 persuasive -- along with the other sources and opinions we've  
2 cited, it's persuasive authority for the fact this is a jury  
3 decision, not a Court determination.

4 THE COURT: Are you leaving that argument?

5 MR. EVERDELL: Yes, your Honor.

6 THE COURT: We'll do a little back-and-forth so I have  
7 everybody's arguments in mind. Thank you.

8 Go ahead, Ms. Moe.

9 MS. MOE: Thank you, your Honor.

10 The government is confident the 2004 Manual applies in  
11 this case. I believe we did engage with the ex post facto  
12 issue thoroughly in our brief. The question is whether the  
13 factual record at trial establishes that the offense continued  
14 throughout the duration of 2004, which it emphatically did.  
15 The testimony of a crime victim who testified at this trial  
16 establishes that the offense conduct went past November 1,  
17 2004.

18 THE COURT: So I think the framing of the question  
19 here is very important and its technical -- this whole  
20 discussion is very technical. It seems to me the question is  
21 can the government point to a preponderance of the evidence  
22 that conspiratorial conduct took place in this very small time  
23 window, basically November and December 2004. That is what's  
24 in issue, and the question is what the trial record establishes  
25 with respect to that two-month window.

M6SQmax1

1           To some extent, the government points, I think, to  
2 post conspiracy conduct, and that concerns me. And so I would  
3 like to ask you to draw my attention to what in the trial  
4 record specifically speaks to November and December of 2004.

5           MS. MOE: Yes, your Honor.

6           As a threshold matter, the government's understanding  
7 that the case law is that the question is what is the end date  
8 of the conspiracy. In other words, if the conspirators are  
9 taking actions periodically over time, the question is what is  
10 the last date of the conspiracy? What does the trial evidence  
11 establish about the final date? And here the trial evidence  
12 was that the conspiracy was ongoing through all of 2004 and  
13 into 2005.

14          THE COURT: But to make that point, I think you're  
15 relying on post conspiracy evidence.

16          MS. MOE: No, your Honor. We're relying on evidence  
17 that exceeds the date in the indictment, but it --

18          THE COURT: It exceeds also the date of Carolyn's 18th  
19 birthday. And so it's not just what the indictment charges --

20          MS. MOE: Yes, your Honor.

21          THE COURT: -- but by a conspiracy that is dependent  
22 here on Carolyn being under 18 for its continuation. And so  
23 that's why I see what you're pointing to as post conspiracy,  
24 not only because it goes past what the indictment charged, but  
25 because I think legally you're pointing to non-conspiracy

M6SQmax1

evidence.

MS. MOE: No, your Honor. I think our point is that the conspiracy was still live at the end of 2004, and we know that because in fact the conspiracy was still ongoing beyond that, and I don't mean to be --

THE COURT: But, see, just in that sentence, the conspiracy was going on beyond that, what you point to, I think -- and tell me if I should look at something else, but what you point to to make that argument is definitionally non-conspiracy conduct.

MS. MOE: No, your Honor, in part because -- well, to step back and discuss the framing of the issue. The question is whether a conspiracy was still ongoing throughout 2004. And the key thought tells us it's the defendant's burden to show that she withdraw from the conspiracy if it was ongoing. The question is in framing it, when did this conspiracy end. We know that it was still live as of the end of 2004, in fact, because, among other reasons, Carolyn testified that she was continually going to Epstein's house through age 17 and through age 18, which would have been throughout the duration of 2004 and 2005.

The government is not required to show that any conspirator took an action in between those specific dates because the question is when did the conspiracy terminate? Was it still live at the end of 2004? And the evidence here shows

M6SQmax1

1 that it certainly was. The message pads show that Carolyn was  
2 still going to the house. Her testimony establishes that she  
3 was still going to the house throughout that time period. We  
4 do not agree that we're required to show that any conspirator  
5 took a specific act in that exact window but just that the  
6 conspiracy was still live, and the fact that there were  
7 additional acts ratifying membership of the conspiracy  
8 throughout 2004 and into 2005 satisfies that burden.

9 THE COURT: Again, just to make sure I'm not missing  
10 anything you want to point to, the into 2005 is pointing to  
11 post conspiracy conduct.

12 MS. MOE: Post indictment conduct, your Honor.

13 THE COURT: Post indictment. Is it in some way not  
14 post conspiracy?

15 MS. MOE: Well, your Honor, again, the question before  
16 the Court, according to the application is when the did offense  
17 end.

18 THE COURT: Ms. Moe, I do understand you're framing  
19 that question. I'm asking record evidence question. Is there  
20 something you're pointing to for your statement, the post 2005  
21 which consists of conspiratorial conduct?

22 MS. MOE: I think separate from the 2005 evidence, we  
23 would point to in the fall of 2004, a message from Carolyn in  
24 November of 2004 showing that she was contacting the house to  
25 make a scheduled appointment.

M6SQmax1

1 THE COURT: It's not dated November 2004; am I right?  
2 It's on a page that has dates surrounding it of December,  
3 November.

4 MS. MOE: Yes, your Honor, all of the dates  
5 surrounding the message would be after November 1, 2004. The  
6 neighboring dates are November 13. There's a date in December.  
7 And I think looking at the message pads as a whole, it tells us  
8 they're dated essentially sequentially.

9 THE COURT: Is there any way to tell -- again, this is  
10 very technical -- if it's October and November?

11 MS. MOE: Your Honor, I'd be happy to take a look at  
12 physical book. I just have the sheet in front of me to see the  
13 page before and after, if the Court would like to examine it.  
14 Our view is the combination of the message itself and the  
15 neighboring dates tell us it's November of 2004. In addition,  
16 as we noted in our brief, the defendant was still traveling  
17 with Epstein during this exact same time period. Again, it's  
18 the defendant's burden to establish withdrawal from an ongoing  
19 conspiracy, which they've not attempted to do, nor could they.  
20 We think that the message pads, the flight records, the fact  
21 that the testimony of a crime victim Carolyn was that the  
22 conspiracy was ongoing more than meets this burden.

23 THE COURT: Okay.

24 MR. EVERDELL: Your Honor, if I could just respond to  
25 that. I do pick up on what the Court is saying, and we agree

M6SQmax1

1 with the point, which is we're focusing on the record evidence.  
2 The conspiracy as charged requires there be to be a minor  
3 involved. Carolyn is not a minor in 2005. Her birthday is  
4 January -- I don't know if I can say that, I'm sorry, but you  
5 understand it's at the beginning.

6 THE COURT: It's early.

7 MR. EVERDELL: It's early. So as of 2005, she is not  
8 a minor any more. So if we're looking to the end date of the  
9 conspiracy that's charged in the indictment, that does not  
10 exist in 2005, and Carolyn is not a minor in 2005, that  
11 evidence can't be used to support the end date of the  
12 conspiracy that is charged.

13 So what we're really talking about is one message pad  
14 that is undated, unverified, and not even in evidence. It's  
15 not even properly authenticated. I would also point out --  
16 it's not reliable, your Honor. But I would also point out that  
17 I think we did have testimony that there were multiple message  
18 pads going on at any one time. The surrounding message pads  
19 are not a perfect indicator of when that message would have  
20 been taken if it's undated. It could have been weeks, months  
21 afterwards that someone decided to use that message pad to take  
22 that message instead of another of message pad that was ongoing  
23 at the same time. So there is no reliable credible evidence  
24 that's the date of that message pad.

25 And so, your Honor, we cited a number of cases in our

M6SQmax1

1 submission about the Court has to consider the weight and  
2 reliability of the evidence when determining a factor -- a  
3 sentencing factor that is going to increase the guidelines,  
4 especially by the amount that this is going to increase it by.  
5 And this one uncorroborated, unadmitted, unreliable message pad  
6 is not sufficient for that purpose. So if we're relying on a  
7 factual record argument, there is not enough of evidence in the  
8 record to support that the conspiracy ended in November or  
9 December of 2004. Therefore, the 2003 guidelines must apply.

10 THE COURT: Okay. I have a question about the  
11 leadership enhancement, as I said, but anything else you want  
12 to raise that you didn't have the opportunity to raise in your  
13 papers, Mr. Everdell?

14 MR. EVERDELL: Your Honor, just one point about that  
15 same book issue. I think there was a section of the  
16 government's brief where they were trying to show -- this was  
17 the point about the Court's discretion. We argued the Court  
18 has discretion to sentence as if it were the 2003 guidelines.  
19 I realize that might not be where the Court is headed, but I  
20 would point out --

21 THE COURT: You mean as a variance argument.

22 MR. EVERDELL: Exactly. In that section, the  
23 government made reference to an argument that the defendant was  
24 receiving money into the 2007 time period. I believe they  
25 pointed to \$7 million. I think that is an extreme stretch,

M6SQmax1

1 your Honor. If the Court remembers the record evidence, there  
2 was some evidence of money moving, but it was to buy a  
3 helicopter that was not for her. We heard testimony from Larry  
4 Visoski that he often kept assets of cars in his name for  
5 Mr. Epstein. That doesn't make Larry Visoski a participant in  
6 the criminal endeavors. I think it's a stretch for the  
7 government to point to that as some sort of evidence of  
8 continued involvement or continued profit after the end date of  
9 the conspiracy. I just wanted to make that one point, your  
10 Honor.

11 THE COURT: Anything on that, Ms. Moe?

12 MS. MOE: Your Honor, with respect to the financial  
13 transaction, we offered that along with other evidence to  
14 refute the claim that the defendant had moved on, which, as we  
15 noted, is an expression that has no legal meaning. And so  
16 contrary to the assertion that the defendant had moved on and  
17 was no longer associated with Epstein, the trial evidence  
18 established that she remained a close associate for many years,  
19 and that is the purpose for which we offered that evidence.

20 THE COURT: Understood. Thank you.

21 I do want to address -- do you have other -- I want to  
22 ask about 3(b)(1).

23 MR. EVERDELL: Yes, your Honor.

24 THE COURT: I think it's for the government. So as I  
25 see the question here, the guidelines require me to find that

M6SQmax1

1 the defendant was an organizer or leader, and that the criminal  
2 activity either involved five or more participants or was  
3 otherwise extensive. The guidelines defines a participant as a  
4 person who is criminally responsible for the commission of the  
5 offense but need not have been convicted.

6 So I think my question for the government is, you're  
7 asking the Court to look to as a criminally responsible -- a  
8 person who is criminally responsible for the commission of the  
9 offense over whom Ms. Maxwell exercised supervisory or  
10 leadership role.

11 MS. MOE: Yes, your Honor. As we noted in our  
12 briefing, our view is that the trial evidence establishes that  
13 the defendant had a supervisory role over Sarah Kellen. Here,  
14 we're not required to establish that there were five or more  
15 participants; that is, people who were criminally responsible  
16 for the charged conduct, but rather that it was extensive, and  
17 that the defendant supervised at least one other person.  
18 That's the text of the commentary, although as we noted, the  
19 Second Circuit in applying this factor hasn't really engaged  
20 with that from what we can tell, but on the factual question of  
21 the trial record and whether it establishes the defendant  
22 supervised another participant, it absolutely does.

23 THE COURT: And the government is pointing to Sarah  
24 Kellen for that conclusion, which you agree, there has to be  
25 one criminally responsible participant who we can point to.

M6SQmax1

1 MS. MOE: Yes, your Honor. Looking at the text of the  
2 application note -- again, it's unclear from some case law on  
3 this, but under the text of the application note, if we're  
4 looking to one criminal participant, we would direct the  
5 Court's attention to Sarah Kellen.

6 THE COURT: And the leadership over her as opposed to  
7 Epstein being the leader over her or them being -- Kellen sort  
8 of replacing the defendant's role, could you focus my mind on  
9 what specifically you point to to show supervision and  
10 leadership by Ms. Maxwell over Ms. Kellen.

11 MS. MOE: Yes, your Honor.

12 The trial evidence was that Sarah Kellen became an  
13 assistant, and that she worked for both Maxwell and Epstein.  
14 Essentially, when you look at defendant's role in earlier  
15 years, she was doing things like calling victims and arranging  
16 for massage appointments. As the scheme shifted, they brought  
17 in another member of the scheme beneath them in the structure  
18 and hierarchy of the scheme. The defendant remained a close  
19 associate. She was often traveling with them, often traveling  
20 with Kellen together. So as Kellen took on some of the tasks  
21 that were then delegated to a lower member of the conspiracy,  
22 the defendant was higher up in the leadership structure.

23 There wasn't direct evidence about, you know, the  
24 defendant directly instructing Kellen to make a certain phone  
25 call, and we acknowledge that, but we think the inference is

M6SQmax1

1 very clear that when you have two knowing conspirators, Maxwell  
2 and Epstein, and they bring in a much younger woman as an  
3 assistant and have her take on some of those roles while the  
4 defendant remains a lady of the house in the hierarchy of the  
5 structure to whom a person like Sarah Kellen would report, that  
6 she has leadership of that person; that she is directing that  
7 person; that she has control. Even the simple task of  
8 directing her to take on some of those responsibilities, which,  
9 of course, to transition parts of that role she would have to  
10 do would qualify for leadership.

11 THE COURT: And there's clear time overlap in the  
12 role?

13 MS. MOE: Yes, your Honor. As we noted in our brief,  
14 the flight records reflect that the defendant continued flying  
15 on Epstein's private jet at the same time that Sarah Kellen was  
16 also traveling, and that there was an overlap in the years of  
17 the time period where they were all close associates of Jeffrey  
18 Epstein and the scheme was ongoing.

19 THE COURT: Go ahead.

20 MR. EVERDELL: Yes. Your Honor, before I address the  
21 Sarah Kellen point, I would just make the point that the  
22 government seems to argue that there is some case law that is  
23 not clear that you don't have to necessarily show that they're  
24 supervising another criminal participant. That's just wrong.  
25 All those cases that the government cites, the issue has

M6SQmax1

1 already been decided or conceded by the defendant. The court  
2 found they were leader or the defendant didn't contest that, so  
3 the issue was only about whether the criminal activity was  
4 otherwise extensive. So that is not -- that is clear under  
5 Second Circuit law, that they have to supervise another  
6 criminal participant, and it's clear from the guidelines too,  
7 as the government concedes.

8 Let's just talk a bit about Sarah Kellen. I don't  
9 think it is a fair inference to say from the trial record that  
10 Ms. Maxwell was supervising Sarah Kellen. In fact, the  
11 inference is exactly the opposite. And you can rely on  
12 Carolyn's testimony alone for that; that she herself testified  
13 that there was a clear break between when she says that  
14 Ms. Maxwell was calling her to schedule for massage  
15 appointments versus when Sarah Kellen took over and scheduled  
16 for massage appointments. They did not overlap. There was a  
17 break. That is corroborated by Juan Alessi no less, who said  
18 the same thing. He said Sarah Kellen came at the end of my  
19 employment, to his recollection, and as soon as she got there,  
20 she took over the responsibility of scheduling the massage  
21 appointments. Again, a clear break.

22 What the record shows is that there was a replacement.  
23 Sarah Kellen replaced Ms. Maxwell, at least according to the  
24 trial testimony; not that there was some sort of ongoing  
25 supervision by Ms. Maxwell over Sarah Kellen. It couldn't be

M6SQmax1

1 clearer, your Honor, this notion that she was somehow -- Sarah  
2 Kellen was an assistant of both Epstein and Maxwell is again  
3 belied by the trial record.

4 If you look at Larry Visoski's testimony, which I  
5 believe is what the government is relying on there, he  
6 originally testified, oh, I think she was an assistant for  
7 both. But on cross-examination, he conceded that he really  
8 didn't know what her role was, and his best recollection was  
9 that she was an assistant for Epstein.

10 And again, just look again at Cimberly Espinosa's  
11 testimony who was the actual assistant for Ms. Maxwell, and she  
12 says unequivocally, "I was her assistant. Kellen was Epstein's  
13 assistant." So there is no fair inference that Ms. Maxwell was  
14 supervising Sarah Kellen. The inference is exactly the  
15 opposite, and it can't provide a basis for that leadership  
16 enhancement.

17 THE COURT: All right. Anything further on the  
18 enhancements for the government's objection?

19 MS. MOE: Your Honor, just very briefly with respect  
20 to the leadership question, I just want to direct the Court's  
21 attention, we noted this on page 27 of our brief, but the  
22 testimony at trial was that Carolyn recalled that even after  
23 Sarah Kellen took over calling to schedule massages, Maxwell  
24 was still present inside the Palm Beach residence when Carolyn  
25 arrived for massage appointments.

M6SQmax1

1           With respect to the testimony of the pilots who  
2 testified, whether they -- whether an employee was paid by  
3 Maxwell or Epstein or technically reported to one, according to  
4 their job descriptions, is not the question here. The fact  
5 that pilots based on their observation thought at one point  
6 that Kellen reported to Maxwell proves the point that she had  
7 supervisory authority over Kellen and exercised it, whether in  
8 the chain of command or on their formal employment paperwork,  
9 she was just an employee for one or the other, it makes no  
10 difference. There was an overlap here. They had different  
11 roles in the conspiracy, and the defendant had a supervisory  
12 roll over Kellen.

13           MR. EVERDELL: Your Honor, just to that point. Being  
14 present does not mean that you're a supervisor. That's way too  
15 far a stretch. So the fact that there was testimony she was  
16 present still in the house while Kellen was making the calls  
17 and scheduling the massage appointments means nothing in terms  
18 of supervisory authority.

19           THE COURT: Thank you. Other enhancements before the  
20 government's objection is to be addressed.

21           MS. MOE: No, your Honor. Thank you.

22           MR. EVERDELL: Your Honor, I assume you don't want to  
23 hear or have any questions about the five-point enhancement for  
24 repeated and dangerous sex offenders.

25           THE COURT: I believe I have what I need, but as I

M6SQmax1

1 said, I don't need repetition of the arguments in the papers,  
2 but if there is any additional points you want to make, you're  
3 welcome to.

4 MR. EVERDELL: Your Honor, just one point. I will be  
5 brief. The government in its papers makes the argument that  
6 the background commentary can't be relied upon as authoritative  
7 because it is not explanatory or interpretative of what the  
8 guideline is. I think that is incorrect.

9 It is not simply a recitation of what Congress was  
10 considering. That first sentence or two which talks about how  
11 this guideline can only be applied to offenders who represent a  
12 continuing danger to the community is interpretative of what  
13 the guideline is. The title of the guideline is repeat and  
14 dangerous sex offenders. That explanatory commentary explains  
15 how to interpret what dangerous means. It means someone who is  
16 continuously dangerous to the community, not someone who's  
17 never been accused of a crime in the 18 plus years since the  
18 crime in this case, and has never been accused of re-offending.  
19 So I don't agree with that point. This is authoritative  
20 guidance from the Sentencing Commission, and the Court should  
21 consider it as such. Thank you.

22 THE COURT: Ms. Moe, do you want to respond?

23 MS. MOE: No, your Honor. We rest on our briefing on  
24 this issue, but thank you.

25 THE COURT: Thank you. Anything else?

M6SQmax1

MR. EVERDELL: No, your Honor. We rest on the papers.

THE COURT: I thank you counsel for your thorough briefing. I am prepared to rule.

The defendant raises four objections to the calculation of the guideline range contained in the PSR. As we discussed, first, she argues I must apply the 2003 guidelines rather than the 2004 guidelines. Beyond that, she objects to the application of three sentencing enhancements. The government's sole objection to the calculation of the guidelines is that Virginia Roberts and Melissa should be considered victims. So I will address the defense objections and then the government's objections.

I begin by determining which of the Guideline manuals apply. Generally, a sentencing court applies the version of the guidelines in effect on the date that the defendant is sentenced. 18 U.S.C. Section 3553(a)(4)(A)(ii). But the *Ex Post Facto* Clause is violated if a defendant is sentenced under Guidelines issued after she's committed her offense and the new Guidelines provide a higher sentencing range than the version in place at the time of the offense. That's the principle of a case called *Peugh v. United States*, 569 U.S. 530 (2013). In that case, a sentencing court must -- in the case of a higher range at the time of sentencing than in place at the time of the offense, in that case the sentencing court must apply the guidelines in effect when the offense was committed.

M6SQmax1

1     *United States v. Guerrero*, 910 F.3d 72 (2d Cir. 2018). Here,  
2     the parties and the probation department agree that applying  
3     the current Guidelines would result in a significantly longer  
4     sentence than the application of the guidelines in place when  
5     the defendant committed her offense, whether that is the 2003  
6     or 2004 guidelines.

7             The controlling date for ex post facto purposes is the  
8     last date of the offense of conviction. The 2004 Guidelines  
9     became effective on November 1, 2004. So I must determine if  
10    the last date of the offense was after November 1, 2004.

11            Because it seeks an increased punishment, the  
12    government bears the burden of persuasion. The government  
13    charged a decade-long conspiracy of sexual abuse that the  
14    indictment alleged ended in 2004. It's proof at trial that the  
15    conspiracy continued in 2004 related to Carolyn. And the  
16    charged conspiracy had to end no later than very early 2005  
17    because that's when Carolyn turned 18 and can no longer be  
18    deemed a victim of the federal sex-trafficking offense charged  
19    which proscribes conduct with respect to individuals under the  
20    age of 18. So the government purports to carry its burden on  
21    this issue based on portions of Carolyn's testimony and some  
22    message pads regarding what occurred in 2004 and 2005.

23            Let me state clearly, I found, as I said repeatedly in  
24    my factual conclusions on the PSR objections, I found Carolyn  
25    to be a credible witness, as did the jury. The question before

M6SQmax1

me is specific and highly technical. Does the preponderance of the evidence demonstrate that the offense to sex traffic Carolyn continued after November 1, 2004 before she turned 18 in early 2005? In other words, does a preponderance of the evidence establish that acts in furtherance of the conspiracy to traffic Carolyn occurred in either November or December 2004? Although Carolyn testified regarding contact earlier in 2004 and after she turned 18 in 2005, there is no evidence, either in the form of testimony or documentary evidence, including the message pads, that demonstrates by a preponderance of the evidence conspiratorial conduct during those last two months of 2004 before Carolyn turned 18 in 2005.

In those portions of Carolyn's testimony cited by the government, Carolyn stated that she was 18 years old the last time she went to Epstein's house, which would have been in 2005. As Carolyn further explained, she returned more than four or five times to Epstein after she gave birth to her son in March of 2004, and that testimony is supported by message pads entered at trial that show Carolyn called Epstein several times in the summer of 2004: Once in late April or early May again on July 6, and again on July 30. When she did return to Epstein, Carolyn testified Epstein asked if she had younger friends, and she explained during her testimony that at 18 years old, she was too old for him. Carolyn wasn't asked, and her testimony doesn't specifically address, whether she went to

M6SQmax1

Epstein's house after November 2004 before she turned 18. Message pads entered at trial show contact only before November 1.

The government's reliance on two additional pads that were not entered into evidence doesn't change my analysis. The first message GX-4B, it's undated, and the context does not give sufficient confidence that it came after November 1. The other message pad is dated March 1, 2005, which falls outside the scope of the conspiracy alleged in the indictment, and after Carolyn turned 18. Because I cannot on this record find by a preponderance of the evidence that the offense continued during that two-month window after November 1, 2004, and before early 2005, I must apply the 2003 guidelines. Because I find that the date of the offense was not after November 1, 2004, I do not address the defendant's alternative argument that a jury must decide if the 2004 Guidelines apply.

Within the Guidelines themselves, the defendant objects to the application of three enhancements in the PSR. She takes issue first with 4B1.5(b). The enhancement states that the offense level is increased by five if: One, the offense of conviction is a covered sex crime; two, 4B1.5(a) for prior convictions does not apply; three, the defendant engaged in a pattern of activity involving prohibited sexual conduct. All three requirements are met: The defendant was convicted of a covered sex crime; she was not previously

M6SQmax1

1 convicted of a sex crime; and I readily find she engaged in a  
2 pattern of activity involving prohibited sexual conduct.  
3 Specifically, the Guidelines define a pattern of such activity  
4 as the defendant engaging in prohibited sexual conduct with a  
5 minor on at least two separate occasions.

6 The defendant doesn't contest any of these enumerated  
7 requirements. Rather, she argues that I may apply this  
8 enhancement only if I further find that the defendant poses a  
9 continuing danger to the public. Here, the defense draws this  
10 requirement from background commentary by the Sentencing  
11 Commission and a few statements made by members of the Congress  
12 who of emphasized high recidivism rates in enhancing sentences  
13 for sex offenders.

14 I overrule this objection because it lacks any basis  
15 in the Guidelines. As with all interpretive matters, I start  
16 with the text of the Guidelines. If the text is unambiguous, I  
17 apply it as written and do not resort to background commentary.  
18 *United States v. Sash*, 396 F.3d 515 (2d Cir. 2005). Commentary  
19 cited by the defendant simply provides policy rationale for a  
20 particular enhancement. It does not purport to interpret the  
21 Guidelines and so is not binding. Nor can scattered  
22 legislative history override the clear text of the Guidelines,  
23 especially when that history amounts to only a few short floor  
24 statements which are "among the least illuminating forms of  
25 legislative history." *NLRB v. SW General, Inc.* 137, S. Ct. 929

M6SQmax1

(2017).

Moreover, the defendant fails to prove that 4B1.5(b) was enacted only to prevent future danger to the public. Background commentary explains that aside from recidivism, Congress "directed the Commission to ensure lengthy incarceration for offenders who engage in a pattern of activity involving the sexual abuse or exploitation of minors." That's 4B1.5 comment background.

Further, the legislative history quoted by the defendant says that Congress increased Guidelines sentences for sexual abuse of minors "to address the egregiousness of these crimes." And, in fact, the defendant's brief cites that I believe at 12. Thus, I find no basis for a requirement that I must first find the defendant to be a public danger before applying the enhancement. The defendant's remaining argument that applying this enhancement would result in an excessive sentence is appropriately considered as part of the defendant's request for a downward variance.

Next the defendant objects to the application 3B1.1(a), which we've discussed, which adds four offense levels for her leadership role in a criminal activity. "a court must make two specific factual findings before it can properly enhance a defendant's offense level under 3B1.1(a): (i) that the defendant was an organizer or leader; and (ii) that the criminal activity involved five or more participants or was

M6SQmax1

1 otherwise extensive." Quoting from *United States v. Patasnik*,  
2 89 F.3d 63 (2d Cir. 1996). The Guidelines define a participant  
3 as a person who is criminally responsible for the commission of  
4 the offense, but need not have been convicted. That's Section  
5 3B1.1, comment note 1. And in assessing whether criminal  
6 activity is extensive, all persons involved during the course  
7 of the entire offense are to be considered, including persons  
8 who provided services unknowingly. Comment note 3.

9 The defendant argues that she did not lead another  
10 criminal participant. I overrule this objection because I do  
11 conclude that the government has proved by a preponderance that  
12 the defendant supervised Sarah Kellen, who was a knowing  
13 participant in the criminal conspiracy.

14 Larry Visoski and David Rodgers both testified for  
15 that at least part of the time period at issue Sarah Kellen  
16 acted as a personal assistant to the defendant. I credit that  
17 testimony which is corroborated by further testimony that the  
18 defendant was Epstein's number two and the lady of the house.  
19 At some point, Kellen took over some of the defendants duties.  
20 But even after that time, the defendant retained her leadership  
21 position, as evidenced by Carolyn's testimony, by flight  
22 records in evidence, and the household manual in evidence. I  
23 do conclude by a preponderance of the evidence that the  
24 defendant led a criminally responsible participant.

25 I further find that the defendant's criminal activity

M6SQmax1

1 was extensive. Whether criminal activity is extensive is based  
2 primarily on the number of people involved, criminally and  
3 noncriminally, rather than on other possible indicators of the  
4 extensiveness of the activity. District courts must determine  
5 the number of knowing participants in the criminal activity,  
6 the number of unknowing participants whose activities were  
7 organized or led by the defendant with specific criminal  
8 intent, and the extent to which the services of the unknowing  
9 participants were peculiar and necessary to the criminal  
10 scheme. For example, a taxi driver that drives a defendant to  
11 a crime scene would not count. That is an example from a case  
12 called *Carrozzella*, 105 F.3d at 804.

13 At all relevant times, the conspiracy proved at trial  
14 included at least two knowing participants: Epstein and the  
15 defendant. Beginning in 2002, Sarah Kellen joined, and  
16 beginning in approximately 2001, additional minor victims were  
17 recruited through Virginia and Carolyn. Additionally, trial  
18 evidence established that services were unknowingly provided by  
19 various Epstein employees. For example, I credit Juan Alessi's  
20 testimony that following the defendant's instructions, he  
21 scheduled massage appointments, set up the massage table for  
22 appointments, cleaned up after sexualized massages, and on at  
23 least one occasion drove Virginia to an appointment.

24 Additionally, both Visoski and Rodgers were employed  
25 as Epstein's pilots over the same time period as the counts of

M6SQmax1

1 conviction. Visoski testified that Maxwell partially owned the  
2 jet, and both pilots testified that she would tell them when to  
3 fly Epstein or schedule flights for herself. The evidence at  
4 trial demonstrates that Epstein and the defendant had the  
5 pilots fly victims of the conspiracy. Across the timeframe of  
6 all counts of conviction, Alessi, Visoski and Rodgers provided  
7 personalized services that were peculiarly tailored to the  
8 defendant's offenses and were not fungible services generally  
9 available to the public. Again, I'm citing from the  
10 *Carrozzella* case, 105 F.3d at 804.

11 In addition to these unknowing participants that  
12 testified at trial, I find by a preponderance of the evidence  
13 that there were other unknowing persons led by Maxwell. As  
14 Epstein's number one, Ms. Maxwell managed Epstein's numerous  
15 households and interviewed, hired and oversaw the household  
16 staff. The defendant had her own personal assistants, like  
17 Sarah Kellen and another individual. From the record, I can't  
18 determine the precise number of these other individuals that  
19 unknowingly assisted Epstein and the defendant in their  
20 criminal activity, but I find an adequate basis in the record  
21 that the number is sufficient to make the activity extensive  
22 within the meaning of 3B1.1(a) from 1994 to 2004. See *United*  
23 *States v. Archer*, 671 F.3d 149 (2d Cir. 2011).

24 Last, the defendant objects to enhancement  
25 2G1.1(b)(4)(B). That provision increases the offense level by

M6SQmax1

two if a participant unduly influenced a minor to engage in a commercial sex act. In defining the enhancement, the Commission instructs courts to closely consider the facts of the case to determine whether a participant's influence over the minor compromised the voluntariness of the minor's behavior. 2G1.1, comment note 7. And if the participant is at least ten years older than the minor, there is a rebuttable presumption that the participant unduly influenced the minor to engage in a commercial sex act. I overrule the defendant's objection.

The defendant first says the undue influence enhancement would punish her for the same harm already counted in her base offense level. Impermissible double counting occurs when a guideline enhancement is applied to reflect the kind of harm that's already fully accounted for elsewhere in the Guidelines but does not occur if the enhancement aims at differing harms emanating from the same conduct or reflects different facets of the defendant's conduct. *United States v. Watkins*, 667 F.3d 254 (2d Cir. 2012). There isn't double counting here. The 2G1.1(a) base offense level reflects the aggregating factor that the victim of the defendant's sex offense was a minor. The enhancement, by contrast, reflects the use of undue influence to engage in a commercial sex act. I'll cite a few cases that stand for that proposition, including *United States v. Kohlmeier*, 858 F. App'x, 444 (2d

M6SQmax1

1 Cir. 2021) (summary order). Similar conclusion, *United States*  
2 *v. Smith*, a Ninth Circuit case from 2013, 719 F.3d 1120. That  
3 case explains 2G1.3(a) base offense level and the undue  
4 influence enhancement "serve unique purposes under the  
5 Guidelines."

6 The defense argues that because the enhancement  
7 applies only if undue influence was exerted with the aim of a  
8 commercial sex act, it does not apply here. But the jury in  
9 Count Six did convict the defendant of sex trafficking Carolyn  
10 to participate in commercial sex acts. The Court finds that  
11 Virginia Roberts, who brought Carolyn and Melissa who was  
12 brought by Carolyn similarly were paid. The remaining victims,  
13 including Jane and Annie, also testified that they received  
14 money and gifts during their abuse which satisfies the  
15 enhancement.

16 The defendant argues Carolyn was not unduly influenced  
17 to sexually massage Epstein. I find this argument meritless.  
18 The age gap between Carolyn and Epstein and the defendant far  
19 exceeded ten years, and the defendant does not rebut the  
20 resulting presumption of undue influence. 2G1.1, comment note  
21 7. Carolyn testified she was paid to give Epstein sexualized  
22 massages, and she needed the money for her drug addiction.  
23 Later, Carolyn returned to Epstein because she needed the money  
24 for herself and her newborn son. Plainly, taking advantage of  
25 a victim's financial need is a form of undue influence. I'll

M6SQmax1

1 cite some cases for that proposition. *Watkins* 667 F.3d at 265;  
2 *United States v. Streb*, 36 F.4th 782. That's and Eighth  
3 Circuit case from 2022. Courts have repeatedly concluded that  
4 a minor can be the victim of undue influence even if the minor  
5 initiates a sexual meeting. See, for example, *United States v.*  
6 *Lay*, 583 F.3d 436 (6th Cir. 2009). I therefore overrule the  
7 defendant's objection.

8 I next turn to the government's only objection to the  
9 PSR Guideline calculation. I do find that Virginia Roberts and  
10 Melissa were minor victims of sex offenses -- they were  
11 trafficked and abused by the defendant and Epstein during the  
12 charged period. The Guidelines require that each minor victim  
13 be considered a separate count of conviction. 2G1.1.(d)1.  
14 Probation department excluded Virginia and Melissa from this  
15 provision only because they were not named in the indictment.  
16 This is an incorrect basis for excluding them from the  
17 calculation. Relying on commentary by the Commission, the  
18 Second Circuit has instructed "that conduct against victims  
19 other than those charged in the indictment may constitute  
20 relevant conduct, and, if such conduct qualifies, should be  
21 treated for sentencing purposes as though it occurred in a  
22 separate count of conviction." *United States V. Wernick*,  
23 691, F.3d 108 (2d Cir. 2012) (citing 2G1.1 comment note 4). I  
24 therefore consider Virginia and Melissa as two additional  
25 groups of victims and assign each a unit under Section 3D1.4.

M6SQmax1

1           Having resolved the parties' objections, I will  
2           calculate the Guideline range. As explained, I will use the  
3           2003 Guidelines manual. Following Section 2G1.1(d)(1), each  
4           victim is considered a separate count of conviction. In  
5           addition to the three victims for which an offense level was  
6           calculated in the PSR -- Jane, Annie, and Carolyn -- I  
7           calculate offense levels, for Virginia and Melissa, coming to a  
8           total of 5 groups.

9           For all groups, the base offense level is 19. That's  
10          Sections 2G1.1(a) and 2X1.1(a).

11          For Jane and Carolyn, because they were older than 12  
12          but were not yet 16 when abuse began, the offense level is  
13          enhanced by 2. 2G1.1(b)(2)(B).

14          The offense level for Jane and Carolyn is further  
15          enhanced by 2 because they were unduly influenced into a  
16          commercial sex act. 2G1.1(b)(4)(B).

17          For Annie, Virginia, and Melissa, who were at least  
18          16, the offense level is increased by 2 because they were  
19          unduly influenced into a commercial act. 2G1.1.(b)(4)(B).

20          The offense level for all groups are also enhanced by  
21          4 points because of the supervisory role in an extensive  
22          criminal activity. 3B1.1(a).

23          This brings the total offense level for Jane's and  
24          Carolyn's groups to 27. And Annie's, Virginia's and Melissa's  
25          groups each to 25.

M6SQmax1

1           Because there are multiple counts, all within at least  
2 four offense levels of each other, I determine 5 units under  
3 3D1.4(a). And under 3D1.4, 5 units increases the total offense  
4 level of the group with the highest total offense level by 5  
5 from 27 to 32.

6           Last, because the defendant engaged in a pattern of  
7 activity involving prohibited sexual conduct, the total offense  
8 level is increased by 5 from 32 to 37. 4B1.5(b)(1).

9           In conclusion, I find the correct total offense level  
10 under the 2003 Guidelines is 37.

11           No party disputes the defendant's Criminal History  
12 Category of I.

13           Under the 2003 Guidelines, a Criminal History Category  
14 of I and total offense level of 37, produces a guideline range  
15 of 210 to 262 months' imprisonment.

16           The range for the fine, again, under the 2003 manual  
17 is \$20,000 to \$200,000 for each count. That's 5E1.2(c)(3).

18           The range for supervised release is three years to  
19 life. 5D1.2(a)(1) and (c) and 18 U.S.C. 3583(k), although I  
20 believe there is a -- yeah, I think that's supervised release.

21           I don't want to hear repeated objections, but any  
22 objections based on anything I said that is new?

23           MS. MOE: Yes, your Honor. With respect to the unit  
24 analysis, we wanted to note that under 3D1.4, a total of 5  
25 units adds 4 levels, not 5 levels. I think the next layer on

M6SQmax1

1 the table is more than 5, as 5 levels. And, thus, the total  
2 number would be 36.

3 THE COURT: I presume you agree with that,  
4 Mr. Everdell?

5 MR. EVERDELL: Yes, your Honor.

6 THE COURT: Under the 2003 manual -- I see. The  
7 highest total offense level, increase by 4 from 32 to 36.

8 MS. MOE: Yes, your Honor. Thank you.

9 THE COURT: Thank you, Ms. Moe. And that produces a  
10 guideline range 188 to 235.

11 MS. MOE: Yes, your Honor.

12 MR. EVERDELL: We agree with that, your Honor.

13 THE COURT: Thank you. Same question to you,  
14 Mr. Everdell. Preserving your objections, of course, but  
15 anything new based on what I said?

16 MR. EVERDELL: Yes, your Honor. I don't think because  
17 the government's response was the one added their request to  
18 add Virginia and Melissa as separate groups, so we do object to  
19 that. I know the Court has already ruled on that. We don't  
20 think the record is adequate to make them separate offense  
21 groups. I understand the Court has already ruled on that, but  
22 we would like to preserve that objection.

23 THE COURT: Understood. Thank you.

24 Do you want to respond, Ms. Moe?

25 MS. MOE: Your Honor, I think the Court's rulings

M6SQmax1

1 addressing the factual objections speak directly to this issue.  
2 The record at trial amply established that Melissa and Virginia  
3 were victims of this conspiracy, and that the defendant had  
4 been involved with recruiting Virginia, who in turn recruited  
5 Carolyn, who in turn recruited Melissa.

6 With respect to Melissa in particular, we would not  
7 that, like Virginia, her name appears in the defendant's little  
8 black book, noting that she's a friend of Carolyn's. For all  
9 those reasons, and the reasons in our brief, we think the trial  
10 record amply establishes that they were both victims of the  
11 conspiracy.

12 THE COURT: I agree with that, and for the reasons  
13 indicated, do -- I agree with the government's objection to the  
14 probation calculation for that reason.

15 I think that means we don't need to resolve the  
16 factual objections that pertain to Carolyn's age. As I said, I  
17 credit Carolyn's testimony. The objections I would overrule  
18 because I think she accurately testified regarding her age both  
19 in 2004 and 2005, but it doesn't answer the question, as I see  
20 it, the legal question as to establishment of acts  
21 conspiratorial conduct in the relevant two-month period.

22 With respect to fines, Mr. Everdell, what is now  
23 paragraph 172 of the revised report, the defendant objects to  
24 the inclusion a \$10 million bequest from Epstein being included  
25 in her assets for purposes of determining her ability to pay a

M6SQmax1

1 fine. I can't quite tell from the papers whether -- I know you  
2 say the bequest is likely to be contested. What is the current  
3 status of the bequest?

4 MR. EVERDELL: Your Honor, my understanding is that  
5 the document says what it says, and the estate is undergoing  
6 bankruptcy proceedings. I don't believe there is any -- this  
7 issue has been addressed because I think the estate is still  
8 dealing with victims' claims and other claims against the  
9 estate. But because it's in bankruptcy, I assume that this  
10 will be contested, and we don't know if there will be any money  
11 left at the end of that proceeding to honor the bequest. So  
12 that's one of the many reasons why I think this is such a  
13 tenuous asset that it shouldn't be considered for purposes of  
14 fines.

15 THE COURT: It's listed as an asset in the financial  
16 affidavit, is it not?

17 MR. EVERDELL: It is, your Honor, because we felt we  
18 wanted to fully disclose everything we know about, and we do  
19 know about simply because we were produced that document. We  
20 didn't know about it before. We knew about it because we got  
21 it in discovery, and we saw it was there, so we felt in good  
22 faith, we had to list it or at least disclose it, but I don't  
23 think it should be considered for purposes of fine.

24 THE COURT: Ms. Moe, do you want to respond to that?

25 MS. MOE: Your Honor, I don't have additional

M6SQmax1

1 information about the status of the estate. With respect to  
2 whether this information should be in the PSR, I think the  
3 Court is exactly right. This is listed on an asset on her  
4 balance sheet. Whether she ultimately recovers that amount or  
5 not, it's listed in the same way that liabilities are listed  
6 even though it may be uncertain as to how those are resolved.  
7 So I don't think the objection is founded.

8 THE COURT: Yes, I'm going to overrule this objection  
9 to the PSR paragraph. It is included as an asset in  
10 Ms. Maxwell's financial aid affidavit. The uncertain assertion  
11 that she may lose the asset is not a basis to exclude it from a  
12 considered asset for purposes of determining a fine.

13 Paragraph 178, the assertion here is that she is  
14 unable to pay a fine.

15 Do I have that right, Mr. Everdell?

16 MR. EVERDELL: Yes, your Honor.

17 THE COURT: I overrule the objection. Section  
18 5E1.2(a) of the Guidelines requires the Court to impose a fine  
19 in all cases except where the defendant establishes that she is  
20 unable to pay and is not likely to become able to pay any fine.  
21 The defendant has failed to establish this. As I just noted,  
22 there is a \$10 million bequest from Epstein this is in addition  
23 to other assets noted in the PSR.

24 I will say the assets and finances have been a moving  
25 target. In July 2020, Ms. Maxwell reported \$3.8 million in

M6SQmax1

1 assets, and then reported \$22 million in assets in support of  
2 the December 2020 bail application. The claim now of an  
3 inability to pay the fine, as I understand it, at the same time  
4 in which the defense has not provided documentation of her  
5 marriage or the purported pending divorce settlement. So I am  
6 unpersuaded based on the balance of facts that the defendant is  
7 indigent, and I do intend to impose a fine.

8 I will address restitution at the end. I understand  
9 the government is not seeking restitution. So we will pick  
10 that up at the end.

11 All right. With that, I'm going to take a break, and  
12 then I will come back and hear from -- just fill a few  
13 formalities. Neither of the papers make an argument for formal  
14 downward departures, as I understood them. In any event, I've  
15 considered whether there's an appropriate basis for departure  
16 from the advisory range within the Guideline system and do not  
17 find any grounds warranting departure under the Guidelines.

18 When we return with the Guideline calculation  
19 complete, I will hear from the parties as to what they contend  
20 a reasonable sentence is for Ms. Maxwell, taking into account  
21 the 3553(a) factors.

22 It's 12:30, which is a shocking fact to me. I suppose  
23 we should take a 30-minute break so that everyone can get  
24 lunch, as I imagine we still have a fair amount of matters to  
25 discuss and time to get through. So we'll take a 30-minute

M6SQmax1

break.

Ms. Moe

MS. MOE: With respect to the sequence of events, just so victims are aware, would the Court prefer to hear from victims before the Court hears from the parties or after? We defer to the Court, but it would be helpful to know for the victims.

THE COURT: I was anticipating government, victim statements, defense counsel and then Ms. Maxwell if she wishes to make a statement. My staff did provide counsel for the victims making statements an order in which they're speaking.

MS. MOE: Thank you, your Honor.

THE COURT: Any objection to that ordering, Ms. Moe?

MS. MOE: No, your Honor. Thank you.

THE COURT: Ms. Sternheim?

MS. STERNHEIM: I'm on now. No. Thank you.

THE COURT: I'll see you at 1:00. Thank you.

(Luncheon recess taken)

(Continued on next page)

M6SQmaxS1

AFTERNOON SESSION

1:10 p.m.

THE COURT: As I indicated, I'll hear first from the government as to what a reasonable sentence is under the 3553(a) factors.

Ms. Moe, when you're ready.

MS. MOE: Thank you, your Honor. May I take the podium?

THE COURT: You may. Thank you.

MS. MOE: Your Honor, Ghislaine first met Jane at summer camp in August of 1994. Jane was 14 years old. What Maxwell did in the years that followed to Jane and Kate and Annie and Virginia and Carolyn and Melissa, was almost unspeakable, but the truth came out in this case; and while many years have past, their pain is palpable, it's real, and it matters.

Today we ask the Court to impose an above-guideline sentence of multiple decades in prison, a sentence that holds Maxwell accountable for the essential role she played in an extensive and disturbing child exploitation scheme.

Maxwell trapped young girls in a horrifying nightmare. Her victims were vulnerable kids who found themselves alone in giant mansions where they were sexually exploited by adults they thought would help them. These girls were just kids. They were just finding their way in the world, trying to figure

M6SQmaxS1

1 out who they were and who they might be some day when they grew  
2 up. These kids had hopes and dreams for their future and the  
3 defendant used those dreams as her tool to abuse them.

4 We ask the Court to take an unflinching look at the  
5 defendant's actions and consider what that tells you about who  
6 she really is. What kind of person persuades young girls to  
7 massage the feet of a middle-aged man? What kind of person  
8 gets a 16-year-old girl all alone at a ranch in the middle of  
9 nowhere and tells her to take off her clothes and get on a  
10 massage table so that she can grope that girl's chest? What  
11 kind of person teaches a 14-year-old girl how a middle-aged man  
12 likes his penis to be touched? What kind of person sees a  
13 17-year-old girl on the street and pulls over so that she can  
14 persuade that girl to come to a house of horrors where that  
15 young girl will be trafficked for sex? What kind of person  
16 flies around on a plane with underage girls so that when her  
17 boyfriend travels, he always has a young girl to touch? What  
18 kind of person would use their privilege, their power in this  
19 world to intentionally prey on the vulnerable, young girls from  
20 struggling families: Girls without fathers, girls who needed  
21 help. These are the actions of a person who was indifferent to  
22 the suffering of other human beings.

23 The defendant's actions were not a one-time mistake;  
24 not at all. Maxwell was an adult woman, and she made the  
25 choice, week in, week out for years to commit crimes with

M6SQmaxS1

1 Jeffrey Epstein, to be his right hand, to make his crimes  
2 possible. Those choices were hers, and they have to have  
3 serious consequences.

4 What's more, her actions portrayed a disturbing view  
5 of the world we live in. To Maxwell there were two kinds of  
6 people in this world: The people who really mattered and the  
7 people who were disposable. Maxwell wanted to make sure that  
8 she stayed among the people who she thought mattered. She  
9 wanted to live a luxurious lifestyle jet-setting around the  
10 world. She took millions of dollars from Epstein over the  
11 years and that's because they were predators together, they  
12 were partners in crime together, and they molested kids  
13 together.

14 The defendant's actions had serious consequences for  
15 her victims. These girls, now women, are strong. They have  
16 shown the world what true bravery really is. But when the  
17 defendant preyed on them, they were just kids, and they'll  
18 carry with them for their entire lives the trauma of what  
19 they've experienced. What is truly remarkable about this case,  
20 your Honor, is that we don't have to speculate about the  
21 lasting irreparable harm that the defendant's actions have had.  
22 You have seen for yourself the devastating effects of the  
23 defendant's crimes and how much her actions have affected her  
24 victims even years later.

25 The defendant has shown absolutely no remorse for her

M6SQmaxS1

1 crimes. She has not owned up to the truth. She has lied  
2 repeatedly. She has been dishonest with the Court, and she has  
3 made misrepresentations when it suits her. Your Honor, we  
4 recognize that the Court has calculated the guidelines to be  
5 188 to 235 months. That is far below the sentence that the  
6 government believes is appropriate in this case. We recognize  
7 that there are a small number of cases where the Court imposes  
8 an above-guideline sentence. This is that case, your Honor.

9 In the almost 20 years since the 2003 manual was  
10 enacted, our Sentencing Commission, our Congress, and our  
11 country have all recognized just how serious sex crimes against  
12 children are. Our country now recognizes how woefully  
13 inadequate the 2003 guidelines were, and the Supreme Court has  
14 expressly held that sentencing courts can vary upwards for  
15 exactly that reason. Again, this is that case. This is  
16 exactly that case. This is the time to impose an  
17 above-guideline sentence. A guideline sentence in this case  
18 would create unwarranted sentencing disparities with  
19 individuals being sentenced today for sex-trafficking offenses.  
20 This case calls out for an above-guideline sentence because of  
21 the breathtaking scope of the defendant's conduct, the length  
22 of her crimes, the number of victims, the vulnerability of her  
23 victims, the sophistication of the defendant's predatory  
24 conduct and the degree to which she psychologically manipulated  
25 her victims. Her conduct was shockingly predatory, and it

M6SQmaxS1

1 calls out for an above-guideline sentence.

2 We ask the Court to impose an above-guideline  
3 sentence, a sentence that sends a message that those who would  
4 conspire with sexual predators would be held responsible for  
5 their significant role in these crimes. We ask the Court to  
6 send a message that nobody is above the law, and nobody is too  
7 rich or powerful to be held accountable. We ask the Court to  
8 send a message that it is never too late for justice.

9 Your Honor, you should not hesitate to hold the  
10 defendant accountable for the full measure of her crimes. She  
11 deserves to spend decades in prison for her crimes. Thank you.

12 THE COURT: Thank you, Ms. Moe.

13 And I will ask that the individuals who are making  
14 statements come to the podium.

15 Ms. Farmer is first. You're welcome to remove the  
16 mask when you get there, Ms. Farmer, if you'd like.

17 MS. FARMER: Judge Nathan: For a long time I wanted  
18 to erase from my mind the crimes that Ghislaine Maxwell and  
19 Jeffrey Epstein committed against me and pretend they hadn't  
20 happened. It was the type of dark memory that feels safest to  
21 keep locked away. But I've had to acknowledge the long-lasting  
22 effects. One of the most painful and ongoing impacts of  
23 Maxwell's and Epstein's abuse was a loss of trust in myself, my  
24 perceptions and my instincts. When predators groom and then  
25 abuse or exploit you, they are in a sense training you to

M6SQmaxS1

1 distrust yourself. When a boundary is crossed or an  
2 expectation violated, you tell yourself, "Someone who cares  
3 about me to do all these nice things surely wouldn't also be  
4 trying to harm me." This pattern of thinking is insidious, so  
5 these seeds of self-doubt took root even as I learned my sister  
6 had also been harmed by them and came to find out years later  
7 that many others had been exploited.

8 THE COURT: Just a request to slow down.

9 MS. FARMER: For years these memories triggered  
10 significant self-recrimination, minimization and guilt. I  
11 blame myself for believing these predators actually wanted to  
12 help me. I felt tremendous survivor guilt when I heard about  
13 what other girls and young women had experienced at hands of  
14 Maxwell and Epstein. I saw about how my sister's concern about  
15 me weighed on her and felt guilty about this as well.

16 This toxic combination of being sexually exposed and  
17 exploited, feeling confused and naïve and blaming myself all  
18 resulted in significant shame; that sickening feeling that  
19 makes you want to disappear. It was not constant but would  
20 come in waves, similar to the waves that anxiety would also  
21 show up. When I think back, I see a slide-show of moments when  
22 these feelings would surface and overwhelm me. There are too  
23 many of these moments to name and though I have come a long way  
24 in my path of healing, I know that these feelings will continue  
25 to be triggered at times.

M6SQmaxS1

1           The ripple effects of trauma are undeniable. When one  
2 person is abused, many others are also harmed. In addition to  
3 the way I was impacted as an individual, there was the pain I  
4 experienced as a sister due to how Maria was abused by Maxwell  
5 and Epstein and the harm caused to the rest of my family due to  
6 these events. My sister Maria's abuse, the sexual assault,  
7 Maxwell's threats that stole her sense of safety and her  
8 career, the way they used her to get to me had devastating  
9 effects on her. As my family watched her grow more isolated  
10 and more physically ill from the stress of all of it, we all  
11 felt powerless. It was heartbreaking and infuriating, and we  
12 later learned how often this pattern was repeated. A young  
13 person on the path of pursuing her dreams was pulled in by  
14 Maxwell, was abused and exploited, and then had to try and  
15 piece together a life in the aftermath of this trauma that left  
16 them feeling distrustful and fearful. Most of these  
17 individuals had families who also were negatively impacted as  
18 they witnessed and felt the systemic effects of their loved  
19 one's losses and struggles. The number of people harmed is  
20 impossible to measure. Maxwell had many opportunities to come  
21 clean but instead continued to make choices that caused more  
22 harm.

23           When my sister and I first spoke out to the media  
24 about what happened to us, Maxwell lied about us and threatened  
25 Maria, thus helping shut down investigations into their

M6SQmaxS1

1 behavior so they could together continue to harm children and  
2 young women. After this attempt to alert people to Epstein and  
3 Maxwell's abusive behavior, I avoided being public about it for  
4 two decades. My shame told me I should hide this fact because  
5 it was embarrassing. Later as I pursued my profession as a  
6 psychologist, I feared it could potentially ruin my career. I  
7 worried clients would not want to work with me if I was  
8 associated with this story, wrongly labeled as one of child  
9 prostitution. I feared being on Epstein's and Maxwell's radar  
10 as a problem because of their previous lies and threats.

11 Once arrested, Maxwell faced another choice. She  
12 could admit her participation in this scheme, acknowledge the  
13 harm caused or even provide information that could have helped  
14 hold others accountable. Instead, she chose again to lie about  
15 her behavior, causing additional harm to all of those she  
16 victimized.

17 Judge Nathan, I hope when you consider the appropriate  
18 prison sentence for the role Maxwell played in this  
19 sex-trafficking operation, you take into account the ongoing  
20 suffering of the many women whom she abused and exploited as we  
21 will continue to live with the memories of the way she harmed  
22 us. I hope you weigh the systemic effects of the crimes she  
23 perpetrated, the ways that our family members, romantic  
24 partners and friends have been hurt through our suffering. I  
25 ask you to bear in mind how Maxwell's unwillingness to

M6SQmaxS1

1 acknowledge her crimes, her lack of remorse and her repeated  
2 lies about her victims created the need for many of us to  
3 engage in a long fight for justice that has felt like a black  
4 hole sucking in our precious time, energy and well-being for  
5 much too long now, things that cannot be replaced. Thank you.

6 THE COURT: Thank you, Ms. Farmer.

7 Kate may make a statement now.

8 MS. MOE: Your Honor, before Kate speaks, I just  
9 wanted to confirm that the Court's anonymity order, in  
10 particular with respect to sketch artists, is in effect.

11 THE COURT: Yes. Consistent with the Court's prior  
12 anonymity and pseudonym order, we will refer to this witness as  
13 Kate only, and the sketch artists shall not draw an exact image  
14 of Kate so that she can remain anonymous.

15 Thank you, Ms. Moe.

16 Kate, you may proceed.

17 KATE: Good afternoon, your Honor. Thank you for  
18 hearing me. I believe you've already seen my victim impact  
19 statement, so I have something else to say.

20 At a time when women's rights have so callously been  
21 discarded, as the mother a young daughter, I fear for the  
22 safety and freedom of my child. Today offers hope that change  
23 is possible. Our voices may not have been heard before, but we  
24 united to bring justice to a common enemy. If we cannot stop  
25 women who have been raped from being forced to bear the

M6SQmaxS1

1 children of their rapists, then we must take a stand on zero  
2 tolerance to those who abuse their power to groom and traffic  
3 and rape the vulnerable.

4 How you do anything is how you do everything. Every  
5 single person should have equal value. Every single person  
6 should have an equal right to be protected. Every single child  
7 must have their innocence defended. No person should be  
8 shielded from the consequences of their actions no matter their  
9 status or class. Ghislaine's lack of remorse and her blatant  
10 refusal to take responsibility for her crimes towards us is the  
11 final insult.

12 Having a difficult childhood is irrelevant to the  
13 choices she made to traffic and supply women/children to  
14 Jeffrey Epstein and other powerful men. Despite the atrocities  
15 perpetrated on me, I have never recruited a child or any person  
16 to be sexually abused. Someone being a hard worker does not  
17 excuse sex trafficking of minors. Someone starting a  
18 non-profit does not excuse sex trafficking of minors. Someone  
19 who had it difficult or even an abusive father does not excuse  
20 sex trafficking of minors. Losing money and prestige does not  
21 excuse sex trafficking of minors. The lack of remorse or  
22 responsibility taken by Ghislaine for how she ruined the lives  
23 of countless women and children is exactly how we can tell that  
24 she doesn't think what she did is wrong. She is not sorry, and  
25 she would do it again.

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmaxS1

1 I have known Ghislaine for many years now, and I have  
2 seen her be kind and generous to me and many others until she  
3 doesn't get what she wants from that person, and then I have  
4 seen her stop at nothing to enforce her will -- a manipulative  
5 cruel and merciless person who only uses kindness to manipulate  
6 and generosity to seek recognition.

7 Today for the first time I stand with my sisters,  
8 bonded by a trauma that I wish on no one, to draw a line and to  
9 set a precedent to say enough is enough; to say no with a  
10 chorus of voices that you cannot ignore. May that chorus ring  
11 through the ears of people still being victimized and give them  
12 strength. May it echo in the ears of perpetrators to remind  
13 them that there are those of us who will never stop until we  
14 stop them.

15 Today is not a happy day. I take no pleasure in being  
16 part of a world where this is necessary, but I am proud to  
17 stand shoulder to shoulder with these brave women and do what  
18 is necessary to stop Ghislaine, to hold her accountable, and  
19 for the first time in my life not to feel afraid. I could not  
20 have done this alone, and I thank those who walked alongside me  
21 and those who carried me. Today I can look at Ghislaine and  
22 tell her that I became what I am today in spite of her and her  
23 efforts to make me feel powerless and insignificant, and I will  
24 pass that empowerment on to my daughter that she may never  
25 consider being silent when faced with injustice because she

SOUTHERN DISTRICT REPORTERS, P.C. •

•

•

•

(212) 805-0300

M6SQmaxS1

1 will feel all of us standing behind her. Thank you.

2 THE COURT: Thank you.

3 I will hear the statement from counsel for Virginia  
4 Roberts.

5 VIRGINIA ROBERTS COUNSEL: Good afternoon, your Honor.

6 May it please the Court, this statement I am reading  
7 on behalf of my client, Virginia Giuffre, is written to  
8 Ghislaine Maxwell.

9 Ghislaine: 22 years ago in the summer of 2000, you  
10 spotted me at Mar-a-Lago in Florida, and you made a choice:  
11 You chose to follow me and procure me for Epstein. Just hours  
12 later, you and he abused me together for the first time.  
13 Together you damaged me physically, mentally, sexually and  
14 emotionally. Together you did unthinkable things that still  
15 have a corrosive impact on me to this day.

16 I want to be clear about one thing: Without question,  
17 Jeffrey Epstein was a terrible pedophile, but I never would  
18 have met Jeffrey Epstein if not for you. For me, and for so  
19 many others, you opened the door to hell, and then, Ghislaine,  
20 like a wolf in sheep's clothing, you used your femininity to  
21 betray us and you led us all through it. When you did that,  
22 you changed the course of our lives forever. You joked that  
23 you were like a new mother to us. As a woman, I think you  
24 understood the damage that you were causing, the price you were  
25 making us victims pay. You could have put an end to the rapes,

M6SQmaxS1

1 the molestation, the sickening manipulation that you arranged,  
2 witnessed and even took part in. You could have called the  
3 authorities, and reported that you were part of something  
4 awful.

5 I was young and naïve when we met, but you knew that.  
6 In fact, you were counting on it. My life as a young person  
7 was just beginning. You robbed me of that by exploiting my  
8 hopes and ambitions. Ghislaine, the pain you have caused me is  
9 almost indescribable. Because of your choices and the world  
10 you brought me into, I don't sleep. Nightmares wake me at all  
11 hours. In those dreams, I relive the awful things that you and  
12 others did to me and the things that you forced me to do.  
13 Those memories will never go away.

14 I have trouble meeting new people without questioning  
15 if somehow they're going to hurt me too. There is not a day  
16 that doesn't go by that I don't ask why. Why did you enjoy  
17 hurting us so much? I worry every single day and night that  
18 you will get away with it and evade being punished. I will  
19 worry about that until you're brought to justice. And what  
20 should that justice look like? Ghislaine, you deserve to spend  
21 the rest of your life in prison in a jail cell. You deserve to  
22 be trapped in a cage forever just like you trapped your  
23 victims. But I want you to know that while you tried to break  
24 me, you did not succeed. Despite you, I've grown into a woman  
25 who tries to do good in the world; a woman who on her best days

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmaxS1

1 feels like she's making a difference.

2 My promise to you is as follows: As long as you and  
3 perpetrators like you continue to prey on the vulnerable, I  
4 will not stop standing up and speaking out. Together with so  
5 many others you abused, we will do all we can to keep predators  
6 from stealing the innocence of children. I will never give up.  
7 I will never go away. If you ever get out of prison, I will be  
8 here watching you and making sure you never hurt anyone else  
9 again. Thank you.

10 THE COURT: Thank you, counsel.

11 And I do have the written submissions submitted in  
12 accordance with the Court's order from Ms. Bryant, Ms. Maria  
13 Farmer and Ms. Helm, who I understand was not able to be  
14 present. And so I'll hear from Ms. Ransome. Please tell me  
15 how tell me how to say your name correctly.

16 MS. RANSOME: Ransome.

17 THE COURT: Thank you.

18 MS. RANSOME: Your Honor, it's been a long journey to  
19 bring Maxwell to justice. Although I have physically escaped  
20 the hideous trap set by Epstein, Maxwell and other  
21 co-conspirators, I continue now, 17 years later, to suffer from  
22 the horrific trauma it has caused.

23 I came to New York at the age of 22 hoping to attend  
24 New York's FIT and work in the fashion industry. Soon after  
25 arriving, I made met an Epstein-Maxwell recruiter named Natalya

M6SQmaxS1

1 Malyshev. She described him as a kind philanthropist who could  
2 help me get into FIT and provide much needed support.

3 Over the next seven to eight months, I became against  
4 my will nothing more than a sex toy for the entertainment of  
5 Epstein, Maxwell and others. I was subjected to sexual  
6 predation multiple times per day, both in his New York mansion  
7 and on his private island in the U.S. Virgin Islands. On one  
8 of the visits to the island, the sexual demands, degradation  
9 and humiliation became so horrific that I tried to escape by  
10 attempting to jump off a cliff into shark-infested waters.

11 Epstein and Maxwell were masters at finding young,  
12 vulnerable girls and young women to exploit. Upon targeting a  
13 vulnerable girl/young woman, they would ingratiate themselves  
14 to her, giving her compliments and small gifts, telling her how  
15 special she was. Soon after lulling me and others into a false  
16 sense of security and comfort, they pounced, ensnaring us in  
17 the upside-down, twisted world of rape, rape, rape. Like Hotel  
18 California, you can check into the Epstein-Maxwell dungeon of  
19 sexual hell, but you could never leave.

20 The manipulation, intimidation and emotional abuse  
21 used to control the victims took many forms. In my case,  
22 Epstein and Maxwell used my dysfunctional family history,  
23 naivete, visa status, lack of education and desire to go to FIT  
24 to manipulate, scare and ensnare me. They told me that I was  
25 exceptionally intelligent and that I had real potential to be

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmaxS1

1 someone and something in life one day.

2 Epstein's and Maxwell's strong ties to FIT could make  
3 this happen. With their help, my admission was almost assured,  
4 but there was always a but. First I had to write my  
5 application, which I did. But Maxwell had to review it and  
6 conveniently always found fault. Then another but, I needed to  
7 lose 30 pounds because I was a piglet. Maxwell's numerous  
8 degrading descriptions of me. Epstein and Maxwell put me on a  
9 strict Atkins diet while simultaneously sending me to a  
10 psychiatrist who prescribed antidepressants that caused weight  
11 gain. It was a classic no-win situation, and they knew it:  
12 Precisely what human traffickers seek. I never lost the  
13 weight, my application was never good enough, and it never got  
14 submitted.

15 I thank the almighty God that in 2007, I managed to  
16 escape the horror by fleeing to the U.K. Since then, I have  
17 been coping as best as I can and frequently experience  
18 flashbacks and wake up in a cold sweat from nightmares from  
19 reliving the awful experience. I'm hypervigilant. I do not  
20 trust people easily. I experience dramatic mood changes. I  
21 will sometimes start crying uncontrollably for reasons I cannot  
22 always comprehend. I worked hard with several mental health  
23 professionals. They have diagnosed me with extreme symptoms of  
24 anxiety, depression, low self-esteem, PTSD and tendency to  
25 self-harm.

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmaxS1

1           Despite my earnest effort I have not realized life's  
2 true potential professionally, nor entered any healthy personal  
3 relationships. I have never married, and I do not have  
4 children, something I always wished for when I was a little  
5 girl. I shy away from meeting new people and have difficulty  
6 making new friends because I fear they too could be associated  
7 with Epstein and Maxwell and their enablers and  
8 co-conspirators.

9           To this day I attend meetings to treat alcoholism, but  
10 I have had numerous relapses, and I cannot always control that.  
11 I know that only by the grace of God do I continue to live. I  
12 have attempted suicide twice since the abuse -- both near  
13 fatal.

14           Last year, I traveled to New York to attend Maxwell's  
15 trial. It was therapeutic to hear the testimony of the four  
16 brave victim-witnesses, whose experience paralleled my own, to  
17 know that I was not alone, and that our story was finally being  
18 told for the world to hear.

19           I am grateful the jury believed the victims and  
20 returned a guilty verdict, but a question still tears at my  
21 soul. After all of this, how can this five-star general of  
22 this enormous sex-trafficking conspiracy involving hundreds, if  
23 not thousands, of vulnerable girls and young women over three  
24 decades continue to maintain her innocence? Reflecting on it,  
25 I know the answer to my questions.

SOUTHERN DISTRICT REPORTERS, P.C. •

•  
•  
•

(212) 805-0300

M6SQmaxS1

1 Maxwell is today the same woman I met almost 20 years  
2 ago, incapable of compassion and human common decency. Because  
3 of her wealth, her social status and connections, she believes  
4 herself beyond reproach and above the law. Sentencing her to  
5 the rest of her life in prison will not change her, but it will  
6 give the other survivors and I a slight sense of justice and  
7 help us as we continue to work to recover from the  
8 sex-trafficking hell she perpetrated.

9 She will never ever hurt another young woman or child  
10 again in this lifetime, and for that I am sure.

11 To Ghislaine, I say, you broke me in unfathomable  
12 ways, but you did not break my spirit, nor did you dampen my  
13 eternal flame that now burns brighter than ever before.

14 Thank you, your Honor.

15 THE COURT: Thank you, Ms. Ransome. I will hear the  
16 statement from Ms. Stein.

17 MS. STEIN: Good afternoon, your Honor.

18 THE COURT: Good afternoon.

19 MS. STEIN: I came to New York in 1991 at the age of  
20 18 to attend FIT and immediately began to excel academically.  
21 In my sophomore year, I accepted a Christmastime internship at  
22 Henri Bendel New York. I performed well and was asked to stay  
23 on as a part-time employee.

24 In the fall semester of my senior year at FIT,  
25 Ghislaine Maxwell came into the store where she was a frequent

M6SQmaxS1

1 customer. Her usual salesperson wasn't there, so I helped her.  
2 Ghislaine was electrifying. We hit it off immediately. In  
3 this first meeting we spoke of our mutual love of fashion, of  
4 difficult fathers and formal upbringing, of boyfriends and of  
5 how we both saw New York as a chance to start over. She told  
6 me that her boss, who I later came to understand was Jeffrey  
7 Epstein, was close friends with Lex Wexner, the CEO and founder  
8 of The Limited, which owned Henri Bendel at the time.

9 When she completed her purchases, I offered to deliver  
10 them to her so she didn't have to carry them around all day.  
11 This was a courtesy I frequently extended to my high-end  
12 clients. Later that day, I called her office for delivery  
13 instructions and was told to bring them to a hotel close by to  
14 the store. When I arrived, the hotel concierge told me  
15 Ms. Maxwell was in the bar and wanted me to meet someone. It  
16 was Jeffrey Epstein. That night in the hotel was the first of  
17 many times they sexually assaulted me.

18 Afterwards I tried to pretend everything was normal.  
19 I returned to my classes at FIT and continued to work at Henri  
20 Bendel, but I started to crack. I failed a course that was  
21 necessary for my degree and had to retake it to get my diploma.  
22 Shortly after my first meeting with Epstein and Maxwell, I was  
23 offered a full-time position at Henri Bendel. It was a newly  
24 created position at the store, and it would have required me to  
25 leave FIT a semester short of completing my degree. I had

M6SQmaxS1

1 aspirations of going to law school, and I knew I could not do  
2 so without my undergraduate degree, so I declined it.

3 When Ghislaine found out, she flew into a rage. I  
4 didn't understand why until she told me that she and Epstein  
5 were responsible for giving me that opportunity and that in  
6 turning it down I was being ungrateful. I now know that this  
7 was their standard operating procedure. Give a gift or a favor  
8 and then demand sex in return. Nevertheless, I completed my  
9 course work, got my degree from FIT, at which point I left  
10 Henri Bendel and took a position at Bloomingdales. I wanted to  
11 leave Epstein and Maxwell and the abuse they perpetrated  
12 against me behind as I started my professional life. I never  
13 wanted to or expected to see them again.

14 One day in the fall of 1995, Maxwell showed up at  
15 Bloomingdales looking for me. When I asked her how she knew  
16 where I was, she said she asked my colleagues at Henri Bendel.  
17 She immediately began befriending me once again, asking me to  
18 go out socially. I tried to resist but eventually she wore me  
19 down, and I began spending time with them again. They made me  
20 feel like they were friends, contemporaries.

21 In one instance, they took me to Florida and insisted  
22 that I stay longer than planned which caused me to miss work  
23 and led to me being fired. Seizing on this new vulnerability  
24 they began trafficking me to their friends. By that time I was  
25 trapped. I was assaulted, raped and trafficked countless times

M6SQmaxS1

1 in New York and Florida during a three-year period. Things  
2 happened that were so traumatizing that to this day I am unable  
3 to speak about them. I don't even have the vocabulary to  
4 describe them. In the most literal sense of the word, Epstein  
5 and Maxwell terrified me. They told me that if I told anyone,  
6 no one would believe me; and if they did, they would kill me  
7 and the people closest to me. I believed them.

8 I was once bright, fun, outgoing and kind. I loved  
9 life and people genuinely enjoyed being around me. After  
10 meeting Jeffrey Epstein and Ghislaine Maxwell, it felt like  
11 someone shut off the lights to my soul. My secrets became too  
12 much for me to handle, and I began doing whatever I could to  
13 try to get away from Maxwell and Epstein. I changed jobs,  
14 apartments, cities and even states to try to get away.  
15 Everywhere I went, they found me.

16 In 1997 I moved to Philadelphia with the hopes of  
17 finally starting law school. They found me again, and it was  
18 more than I could take. I was hospitalized with a nervous  
19 breakdown. It would be the first of over two dozen  
20 hospitalizations in a decade following my involvement with  
21 Epstein and Maxwell.

22 In addition to my escalating mental health problems, I  
23 began to experience physical symptoms that doctors could never  
24 quite put their fingers on. I could no longer even pretend to  
25 be able to hold down a job or take care of myself in any

M6SQmaxS1

1 meaningful way, and I had to move back home once again.

2 Emotionally, I had cracked and nobody thought I would ever get  
3 better, but I didn't give up. I was determined to do whatever  
4 I had to to prove everyone wrong. I wasn't crazy. I was hurt.

5 For over a decade and a half, I went to all kinds of  
6 medical specialists and was in and out of medical and  
7 psychiatric hospitals, having tests and procedures, even  
8 submitting to clinical trials and an experimental implantable  
9 medical device. Nothing helped.

10 Just as I began to repair the emotional damage, I was  
11 diagnosed with complex regional pain syndrome. CRPS is a rare  
12 neuro-inflammatory disorder characterized raised by intense  
13 relentless physical pain. Both CRPS and PTSD are  
14 psychophysical states in which the sympathetic nervous system  
15 is engaged and remains inappropriately hyperaroused. There is  
16 no cure. The mind and body are interconnected. Despite of  
17 this, I immersed myself this trauma therapy and repaired my  
18 emotional health. I began physical therapy and regained my  
19 physical mobility. I started to rebuild my life.

20 The arrest of Epstein in 2019 and Maxwell in 2020  
21 helped me immensely. For the first time, I was finally able to  
22 disclose their abuse to friends and medical providers. 25  
23 years after meeting them my experience was validated. I could  
24 finally see the possibility of closure. This past November and  
25 December I commuted almost every day from my home in

M6SQmaxS1

1 Philadelphia to attend Ghislaine Maxwell's trial in Manhattan.  
2 For weeks I sat in this courtroom anonymously, only revealing  
3 my identity the day before the verdict. I had to see justice  
4 myself.

5 At the age of 48, I feel as if I'm just starting my  
6 life. All those things I assumed I would have in life, the  
7 things that my siblings and my friends have achieved: A  
8 career, success, partner, family, a home, a legacy to be proud  
9 of leaving behind were jeopardized for more than two and a half  
10 decades. The only pronounced difference between my life  
11 experience and theirs is that one day when I was doing my job,  
12 I met Ghislaine Maxwell who fed me to Jeffrey Epstein.

13 (Continued on next page)

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

M6s2Max2

1 MS. STEIN: In more ways than one, they almost killed  
2 me, but I wasn't going to let them. Overcoming what happened  
3 to me became my decades-long, full-time career. In that, I  
4 have been successful.

5 For the past 25 years, Ghislaine Maxwell has been free  
6 to live a life of wealth and privilege that is almost  
7 incomprehensible. Meanwhile, I have had virtually none of the  
8 life experiences I might have had we never met. For over two  
9 and a half decades, I felt like I was in prison. She has had  
10 her life. It's time to have mine. She needs to be imprisoned  
11 so all of her victims can finally be free.

12 Thank you, your Honor

13 THE COURT: Thank you, Ms. Stein.

14 Ms. Sternheim?

15 MS. STERNHEIM: Thank you, Judge. Judge, I would like  
16 to stand at the podium.

17 THE COURT: Please.

18 Let me just note again that I did have the statements  
19 of the victims in the record. I thank them for making  
20 statements today and thank their counsel for working with them  
21 in conformity with my order.

22 MS. STERNHEIM: Your Honor, I would like to address  
23 the victims. I am going to try to turn around if the Court  
24 permits me.

25 THE COURT: As long as I can hear you and the court

M6s2Max2

1 reporters can hear you.

2 MS. STERNHEIM: I am going to speak as best as I can.

3 I want to acknowledge the courage that all of you have  
4 exhibited in coming forward at the trial and again today. Your  
5 statements are immensely powerful. We feel the pain. We can  
6 only hope that the end of this case and the sentence to be  
7 imposed will give you some solace and the sanctity that you  
8 have the ability to move forward and beyond all of this.

9 Judge Nathan, can you hear me? I didn't pull it out,  
10 I hope.

11 THE COURT: I can.

12 MS. STERNHEIM: Okay.

13 You have heard all of the trial testimony and you are  
14 fully familiar with the record. We will refrain from pointing  
15 out many statements that we disagree with by the government  
16 that we believe stretches the elasticity of the record well  
17 beyond what we believe is fair inference. But the purpose of  
18 today is not to take issue with the record; that will be  
19 addressed to the Court of Appeals.

20 The government asks the Court to sentence Ms. Maxwell  
21 above the more reasonable guideline range that the Court  
22 determined is applicable in this case and seeks a sentence of  
23 multiple decades in prison for a woman who is almost 61 years  
24 old and for almost the last 20 years has not engaged in any  
25 conduct similar to that which was the subject of the trial and

M6s2Max2

1 the conviction.

2 The government has asked for an immense sentence. We  
3 recognize that any sentence in this case is going to be  
4 significant and is going to be immensely punishing. The  
5 probation department, based on the original guidelines in the  
6 presentence report, recommended a downward variance to 20  
7 years. That recommendation is now higher than the guideline  
8 range that is applicable in this case. But we ask the Court to  
9 consider the justification that probation articulated in the  
10 presentence report in fashioning a sentence that takes into  
11 consideration that a sentence lower than the guideline range is  
12 appropriate in this case.

13 The government's sentence asks for the outer limits,  
14 and although we still believe that even the recommendation is  
15 too high, a sentence within the guideline range now may be more  
16 reasonable, but it still does not take into consideration some  
17 of the various factors that we have brought to the Court's  
18 attention in our submission. Simply stated, based upon the  
19 conduct of conviction, the government's request is out of  
20 proportion. Jeffrey Epstein would have faced the same  
21 sentence, and he is clearly far more culpable than Ghislaine  
22 Maxwell.

23 THE COURT: You mean he would have faced the same  
24 guidelines.

25 MS. STERNHEIM: Yes, that is correct, Judge.

M6s2Max2

1           The sentencing submissions, which I know the Court has  
2 read—and I know the Court reads everything very critically and  
3 carefully—outlines and details our position, and I am not  
4 going to take the time to repeat those things unless the Court  
5 requests me to answer certain questions.

6           But in fashioning the appropriate sentence for this  
7 case and this defendant, the Court needs to take into  
8 consideration the various 3553(a) factors that the Court must  
9 take into consideration in every case regardless of what the  
10 crime of conviction is.

11           I know that what we heard today does not beg sympathy  
12 for Ms. Maxwell, but there are circumstances in her life that  
13 bear attention by the Court in imposing a reasonable sentence  
14 in this case. She has lived the entirety of her life under  
15 giant clouds that have cast very dark shadows. The tragic  
16 accident of her eldest brother within 72 hours of her birth on  
17 Christmas Day left him in a coma for seven years, until he  
18 died, an event that impacted her family to this day and  
19 overshadowed infant Ghislaine's entry into the world and her  
20 early childhood. Her narcissistic, brutish, and punitive  
21 father overwhelmed her adolescence and early adulthood. And  
22 the controlling, demanding, manipulative Jeffrey Epstein cast a  
23 deceptive shadow over Ghislaine's adulthood, the repercussions  
24 of which will plague her until her last breath. And like the  
25 past two years of intense presentence incarceration, which was

M6s2Max2

1 unusually harsh and punishing, she will remain in the shadow of  
2 prison bars until she can return to the sunlight of liberty.

3 As I said before, she is over 60 years old. She has  
4 no history of violence. She had no criminal history before or  
5 after the crimes of conviction, which ended some 20 years ago,  
6 and the Court needs to consider that there is an extensive  
7 period that has elapsed from the end of the charged conduct.  
8 She poses no danger to society or of recidivism. Her personal  
9 circumstances include many accomplishments and good deeds.

10 As I said, she has been subjected to extensive  
11 punishing conditions of presentence incarceration in solitary  
12 confinement. When she was moved within the last two months to  
13 general population, she began interacting with the inmates and  
14 assisting them in many, many ways. She began conducting  
15 English classes and GED tutoring, programs that were no longer  
16 being offered in the MDC and certainly had been suspended as a  
17 result of the ongoing pandemic. Her asset to the unit in  
18 general population is recited in the unsolicited letter  
19 submitted to the Court from one of her fellow unit inmates.  
20 But I have also been contacted personally by counsel for other  
21 inmates in Ms. Maxwell's unit, reporting to me that she is  
22 providing needed educational assistance that has not been  
23 ongoing for at least two years.

24 Ms. Maxwell is being sentenced for terrible conduct.  
25 There is no denying that. But she has the ability and the

M6s2Max2

1 desire to be law-abiding, which she has exhibited, and to do  
2 good. Before the charged offense and for the better part of  
3 the past 20 years, she has demonstrated that she is not a  
4 danger to anyone. A sentence below the applicable guidelines  
5 is sufficient, but not greater than necessary, punishment for  
6 Ghislaine Maxwell. The Court should not send her away for the  
7 rest of her life.

8 Thank you.

9 THE COURT: Thank you, Ms. Sternheim.

10 Ms. Maxwell, you have the right to make a statement.  
11 You are not obligated to do so, but if you would like to, you  
12 may do so now.

13 THE DEFENDANT: I would, your Honor.

14 MS. STERNHEIM: She would. Where would you like her  
15 to -- I'm sorry, Judge. Where would you like her to address  
16 the Court?

17 THE COURT: Are the marshals comfortable with the  
18 podium?

19 THE MARSHAL: Yes, your Honor.

20 THE COURT: You can go to the podium, Ms. Maxwell.

21 MS. STERNHEIM: Thank you very much.

22 And she may remove her mask?

23 THE COURT: Once you are at the podium, yes, you may  
24 remove your mask.

25 THE DEFENDANT: Thank you, your Honor.

M6s2Max2

1           Your Honor, it is hard for me to address the Court  
2 after listening to the pain and anguish expressed in the  
3 statements made here today. The terrible impact on the lives  
4 of so many women is difficult to hear and even more difficult  
5 to absorb, both in its scale and in its extent. I want to  
6 acknowledge their suffering and empathize. I empathize deeply  
7 with all of the victims in this case.

8           I also acknowledge that I have been convicted of  
9 helping Jeffrey Epstein commit these crimes. And despite the  
10 many helpful and positive things I have done in my life, and  
11 will continue to do, to assist others during my sentence, I  
12 know that my association with Epstein and this case will  
13 forever and permanently stain me.

14           It is the greatest regret of my life that I ever met  
15 Jeffrey Epstein. I have had plenty of time to think, having  
16 spent two years in solitary confinement. I believe that  
17 Jeffrey Epstein was a manipulative, cunning, and controlling  
18 man who lived a profoundly compartmentalized life and fooled  
19 all of those in his orbit.

20           Variously, his victims considered him as a godfather,  
21 a mentor, benefactor, friend, lover. It is absolutely  
22 unfathomable today to think that that is how he was viewed  
23 contemporaneously.

24           His impact on all those who were close to him has been  
25 devastating, and today those who knew him even briefly, or

M6s2Max2

1 never met him but were associated with someone who did, have  
2 lost relationships, have lost jobs, and have had their lives  
3 completely derailed.

4 Jeffrey Epstein should have been here before all of  
5 you. He should have stood before you all those years ago. He  
6 should have stood before you in 2005, again in 2009, and again  
7 in 2019, all of the many times he was accused, charged, and  
8 prosecuted.

9 But today it is not about Epstein ultimately. It is  
10 for me to be sentenced and for the victims to address me, and  
11 me alone, in this court.

12 To you, all the victims, those who came in court and  
13 to those outside, I am sorry for the pain that you experienced.  
14 I hope that my conviction, along with my harsh and unusual  
15 incarceration, brings you closure. I hope this brings the  
16 women who have suffered some measure -- I hope that this brings  
17 the women who have suffered some measure of peace and finality  
18 to help you put the experiences of those many years ago in a  
19 place that allows you to look forward and not back.

20 I also acknowledge the pain this case has brought to  
21 those that I love, the many I held and still hold close, which  
22 tortures me every single day, and the relationships that I have  
23 lost and will never be able to regain.

24 It is my sincerest wish to all those in this courtroom  
25 and to all those outside this courtroom that this day brings a

M6s2Max2

1 terrible chapter to the end, to an end. And to those of you  
2 who spoke here today and to those of you who did not, may this  
3 day help you travel from darkness into the light.

4 Thank you, your Honor.

5 THE COURT: Thank you, Ms. Maxwell.

6 Counsel, is there anything else -- I'm sorry, let  
7 me -- I do want to ask defense counsel, before I get there, if  
8 there are any objections to any of the conditions recommended  
9 by the Probation Department with respect to supervised release.

10 MS. STERNHEIM: No, Judge.

11 THE COURT: Okay. And I understand the government is  
12 not -- I just want to talk about restitution before I get to  
13 the statement of judgment.

14 Count Six is mandatory restitution, but the  
15 government's position is that no restitution should be ordered  
16 because all victims have been compensated.

17 MS. MOE: That is correct, your Honor.

18 THE COURT: Counsel, is there anything else I should  
19 consider or any reason why sentence should not be imposed at  
20 this time?

21 MS. MOE: No, your Honor. Thank you.

22 MS. STERNHEIM: No.

23 THE COURT: All right. Let me gather my thoughts for  
24 one moment.

25 (Pause)

M6s2Max2

THE COURT: Thank you for your patience.

As I have stated, the guideline range applicable to this case is 188 to 235 months' imprisonment.

Under the Supreme Court's decision in a case called *Booker* and related cases, the guideline range is only one factor that the Court must consider in deciding the appropriate sentence. I am also required to consider the other factors set forth in a provision called 18 U.S.C. 3553(a). These include the nature and circumstances of the offense, and the history and characteristics of the defendant; the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, to provide needed educational, vocational training, medical care, or other treatment. I am to take into account the kinds of sentences available, as I have said, the guideline range, any pertinent policy statement, the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct, the need to provide restitution as appropriate under the law to any victims of the offense.

I am required to impose a sentence sufficient, but no greater than necessary, to comply with the purposes I have just described. I have given substantial thought and attention to

M6s2Max2

1 the appropriate sentence in this case in light of the 3553(a)  
2 factors and the appropriate purposes of sentencing as reflected  
3 in that statute.

4 The crimes for which I sentence Ms. Maxwell today are  
5 the crimes for which a jury convicted her of committing  
6 following trial. I do want to emphasize that today the  
7 sentence is based entirely on those crimes and the harm done to  
8 the victims of those charged and proved crimes. The evidence  
9 at trial established that Ms. Maxwell directly and repeatedly  
10 and over the course of many years participated in a horrific  
11 scheme to entice, transport, and traffic underage girls, some  
12 as young as 14, for sexual abuse by and with Jeffrey Epstein.

13 I will pause on those words for a moment, "by and with  
14 Epstein." It is important at the outset to emphasize that  
15 although Epstein was, of course, central to this criminal  
16 scheme, Ms. Maxwell is not being punished in place of Epstein  
17 or as a proxy for Epstein. Like every other participant in a  
18 multi-defendant case, Ms. Maxwell is being punished for the  
19 role that she played in the criminal conduct. As to that role,  
20 the trial evidence established that Ms. Maxwell was  
21 instrumental in the abuse of several underage girls and that  
22 she herself participated in some of the abuse, and it is her  
23 conduct for which she has been convicted in the court under the  
24 laws of this country and it is her conduct for which she must  
25 be held accountable.

M6s2Max2

1           Turning to that conduct, the punishment here must  
2 reflect the seriousness of the offense, promote respect for the  
3 law, provide just punishment for the offense, and deter.

4           First, as to the seriousness, the defendant's conduct  
5 was, as aptly described by the probation department, heinous  
6 and predatory. Ms. Maxwell worked with Epstein to select young  
7 victims who were vulnerable. Once selected, Ms. Maxwell played  
8 a pivotal role in facilitating the abuse of the underaged girls  
9 through a series of deceptive tactics. A sophisticated adult  
10 woman, she provided an initial veneer of responsibility and  
11 even safety. She befriended and developed relationships of  
12 trust. She then manipulated the victims and normalized sexual  
13 abuse through her involvement, encouragement, and instruction.

14           To give one example from trial, Jane testified that  
15 Ms. Maxwell cultivated a friendship with her, took her to  
16 movies and shopping. In an initial sexual interaction, while  
17 Jane was 14 years old, the defendant engaged in sexual conduct  
18 with Epstein while Jane was present. After that, the defendant  
19 instructed Jane, again, while she was only 14 years old, on how  
20 to massage Epstein, including instructions on how to touch his  
21 penis during massages. The abuse later escalated to Epstein  
22 using vibrators on Jane, penetrating her with his fingers.  
23 During some of the sexual abuse, the defendant would herself  
24 touch Jane's breasts.

25           Carolyn, the victim of the sex trafficking charge,

M6s2Max2

1 provides another example. She testified that she confided in  
2 the defendant that her mother was an alcohol and that she had  
3 been raped and molested by her grandfather starting at a very  
4 young age. The defendant, aware of this knowledge, used it to  
5 subject Carolyn to a continuing cycle of sexual abuse. The  
6 defendant wasn't an impassive observer, but herself touched  
7 Carolyn's breasts, again, at the time Carolyn was 14. For  
8 years, Carolyn was paid for the sexualized massages, including  
9 personally paid by the defendant.

10 Similar patterns of conduct were described by other  
11 witnesses. Indeed, the criminal conduct established at trial  
12 was extensive and it was far-reaching. Ms. Maxwell and Epstein  
13 victimized multiple underaged girls using this pattern, this  
14 playbook, over the span of many years and in a variety of  
15 locations. And the damage done to these young girls was  
16 incalculable. They did bravely testify at trial about what  
17 happened to them despite the extraordinary difficulty that  
18 entailed. They withstood cross-examination from zealous  
19 defense counsel and testified credibly at trial about the  
20 trauma that they had endured and the painful, horrific, and  
21 lasting impact of that trauma. They did so, they told me in  
22 their statements, in order to help ensure justice for  
23 themselves and others and to do what they could to try to  
24 prevent other girls from suffering in the future as they had  
25 suffered.

M6s2Max2

1           The sentence I impose must reflect the gravity of  
2       Ms. Maxwell's conduct, of Ms. Maxwell's offense, the pivotal  
3       role she played in facilitating the offense, and the  
4       significant and lasting harm it inflicted. So, too, must the  
5       sentence promote respect for the law, provide just punishment,  
6       and afford adequate deterrence.

7           As I have described, this scheme was long-lasting, it  
8       was far-reaching, it was horribly damaging to the victims.  
9       Just punishment and promotion of respect for the law, it  
10      demands a substantial sentence that meets the scope of the  
11      conduct and the scope of the harm.

12          Moreover, general deterrence is critically important  
13      to the sentence I will impose. A substantial sentence will  
14      send an unmistakable message that those who engage in and  
15      facilitate the sexual abuse and trafficking of underaged  
16      victims will be held accountable by the law.

17          As the probation department stated, a significant  
18      sentence should promote general deterrence against the  
19      exploitation and degradation of humans made possible by this  
20      offense, and I fully agree. But let me be clear that  
21      Ms. Maxwell is wealthy or that this case is high profile is not  
22      a basis for increasing punishment in any regard, but the rule  
23      of law demands, and this Court must ensure that, whether you  
24      are rich or poor, powerful or entirely unknown, nobody is above  
25      the law. That message serves the important interest in

M6s2Max2

1 deterrence and just punishment as well. All of these factors  
2 suggest that a very serious, a very significant sentence is  
3 necessary to achieve the purposes of punishment that I have  
4 just described.

5 Of course I must, and I do, take into account the  
6 history and characteristics of the defendant. Ms. Maxwell is  
7 over 60 years old. This is her first conviction. Neither in  
8 arguing for pretrial detention nor with respect to sentencing  
9 has the government contended that Ms. Maxwell represents a  
10 continuing danger to the public. As I explained, I do not need  
11 to find she is a continuing danger to apply 4B1.5(b), as her  
12 decade-long pattern of predatory activity amply justifies that  
13 enhancement and a substantial sentence, but her present lack of  
14 dangerousness is a factor in my consideration of a proper  
15 sentence.

16 Her sentencing submission letters and psychological  
17 report discuss the impacts of an overbearing and demanding  
18 father and the tragic death of her brother at the beginning of  
19 her life. The record indicates that she has engaged in some  
20 charitable works, including environmental conservation and  
21 health-related charitable organizing and giving. The set of  
22 letters I received from her family members and friends describe  
23 her as attentive and loving to her family and a loyal and  
24 generous friend. A letter from an inmate describes her  
25 tutoring of other inmates while incarcerated and Ms. Sternheim

M6s2Max2

1 represents that she has heard similarly from other defense  
2 counsel. I take all of these factors into account consistent  
3 with the 3553(a) statutory provision when deciding what  
4 sentence to impose.

5 Beyond these factors, much of the defense written  
6 submission, not the oral statement today, but much of the  
7 written submission focused on a series of complaints about  
8 Ms. Maxwell's pretrial detention. As I have said in many  
9 sentencing proceedings since the pandemic began, the conditions  
10 in the MDC have been extremely difficult for all inmates as a  
11 result. There have been extended periods of lockdown, health  
12 risks, and the lack of access to legal and social visits and  
13 programming and the like. Conditions at the MDC are, to put it  
14 mildly, not what they should be, and serving time during the  
15 pandemic has been more difficult than serving time before it.  
16 As I have in other sentencings, I take into account this in  
17 imposing an appropriate sentence. I also take into account  
18 that, as a high-profile defendant charged and convict of sex  
19 offenses against minors, Ms. Maxwell faces security risks and  
20 has endured additional isolation and surveillance beyond the  
21 typical pretrial detainee.

22 That said, I largely reject the defense's primary  
23 written contention that Ms. Maxwell has been singled out for  
24 uniquely harsh and punishing treatment. To the contrary, I  
25 agree with the government that many of the complaints have been

M6s2Max2

1 unfounded and exaggerated and that Ms. Maxwell's treatment at  
2 MDC was overall as good as or better than that of the typical  
3 pretrial detainee at the MDC during the pandemic.

4 I also reject the repeated allegations that  
5 Ms. Maxwell, who was provided extensive access to computers and  
6 legal materials, as well as to highly involved counsel, was in  
7 any way not able to prepare for trial or sentencing. I will  
8 say that I think a lack of full candor regarding treatment is  
9 consistent with a lack of candor to Pretrial Services and to  
10 the Court regarding finances, as well as the dishonesty that I  
11 have concluded occurred during the civil deposition that makes  
12 up the perjury counts. Overall, the behavior appears  
13 consistent with a pattern of deflection of blame.

14 I will note that I was -- I would emphasize that the  
15 sentencing submission talks about these complaints and blames  
16 others but did not express remorse or acceptance of  
17 responsibility. Ms. Sternheim and Ms. Maxwell today  
18 acknowledge the courage of the victims who testified and who  
19 spoke, talked about the pain and anguish that they have  
20 expressed, to some extent acknowledged the impact on them and  
21 their suffering, and I think that is important for the victims  
22 to hear. What there wasn't expressed was acceptance of  
23 responsibility. Now let me be clear. Ms. Maxwell is fully  
24 entitled to exercise her constitutional -- was fully entitled  
25 and is fully entitled to exercise her constitutional right to

M6s2Max2

1 go to trial. She has every right to appeal that verdict. But  
2 it is appropriate for this Court, in the face of genuine  
3 expressions of remorse and acceptance of responsibility, to  
4 decrease punishment because that's part of the message that's  
5 being sent by the law. It's appropriate to note and to take  
6 into account a lack of acceptance of responsibility, a lack of  
7 expression of remorse as to her own conduct. Today's sentence  
8 will attempt to acknowledge the harm that Ms. Maxwell caused  
9 and it will strongly and unequivocally condemn her criminal  
10 conduct.

11 I do conclude, consistent with the Probation  
12 Department recommendation, that a sentence of 240 months, which  
13 is slightly above the guideline range that I found, is both  
14 sufficient and necessary -- and no greater than necessary to  
15 meet the purposes of punishment that I have described.

16 I will now formally state the sentence I intend to  
17 impose. I will ask Ms. Maxwell and her counsel to please rise.

18 Ms. Maxwell, it is the judgment of this Court that you  
19 be sentenced to a period of 240 months, 20 years, to be  
20 followed by a period of five years' supervised release.

21 You may be seated.

22 To be precise, I am sentencing Ms. Maxwell to 60  
23 months on Count Three, 120 months on Count Four, and 240 months  
24 on Count Six, all to run concurrently, for a total of 240  
25 months' imprisonment. I am sentencing her to three years of

M6s2Max2

1 supervised release on Counts Three and Four and five years on  
2 Count Six, all to run concurrently, for a total of five years  
3 of supervised release.

4 Defense counsel indicated no objection to the  
5 conditions of supervised release indicated in the presentence  
6 report, and so I impose them precisely as stated in the  
7 presentence report, including the standard conditions, special  
8 conditions, and mandatory conditions of supervised release.  
9 Again, I am imposing them precisely as stated in the PSR.

10 I order Ms. Maxwell to pay a fine in the amount of  
11 \$750,000. The maximum amount per count is \$250,000, so that is  
12 \$750,000 total. As I have indicated, I reject the contention  
13 that the defendant is unable to pay a fine. Ms. Maxwell has  
14 received a \$10 million bequest from Epstein. This is in  
15 addition to her other assets. And the defendant, I conclude,  
16 is able to afford a substantial fine, and I conclude that the  
17 maximum amount per count is reasonable under all relevant  
18 circumstances in light of the counts of conviction.

19 The government has indicated that it is not seeking  
20 restitution nor forfeiture.

21 I am imposing a mandatory special assessment, as I  
22 must, of \$100 per count, which is due immediately.

23 Does either counsel know of any legal reason, other  
24 than those already argued, why the sentence shall not be  
25 imposed as stated?

M6s2Max2

MS. MOE: No, your Honor.

MS. STERNHEIM: Your Honor, I would just like to make one statement, if I may. With regard to the fine, the Court indicated the bequest in the will. I just want the record to reflect that that is an unactualized bequest, as Ms. Maxwell has received nothing, and it is the expectation that she will receive nothing.

THE COURT: I understand. And to be clear, I am not finding and accept that she hasn't received anything, but there have only been nonspecific claims that she won't receive anything and there are additional assets that lead me to the conclusion that she is able to pay the fine.

MS. STERNHEIM: Thank you, Judge.

THE COURT: Thank you.

And just to confirm, Ms. Sternheim, any legal reason why the sentence should not be imposed as stated other than what already was argued?

MS. STERNHEIM: No, your Honor, but I do have requests for recommendation.

THE COURT: I will get there. Thank you.

The sentence as stated is imposed. I do find the sentence is sufficient but not greater than necessary to satisfy the sentencing purposes that I described earlier.

Ms. Maxwell, when you are released and on supervised release, you will have the guidance and support of the

M6s2Max2

1 probation department. I must caution you to comply strictly  
2 with all of your conditions of supervised release. If you are  
3 brought back before me for a violation of those conditions, I  
4 may sentence you to another term of imprisonment.

5 With that, Ms. Sternheim, requests regarding  
6 designation?

7 MS. STERNHEIM: Thank you, Judge.

8 We request that Ms. Maxwell be designated, based on a  
9 recommendation by the Court, to the BOP facility, the women's  
10 facility in Danbury, and also a recommendation that she be  
11 enrolled in the FIT program, which is the Female Integrated  
12 Treatment program, to address past familial and other trauma.

13 THE COURT: Okay.

14 MS. STERNHEIM: Thank you.

15 THE COURT: I recommend to the Bureau of Prisons  
16 consideration of placement in Danbury and consideration of  
17 eligibility for enrollment in the FIT program.

18 Ms. Moe, remaining counts and underlying indictments  
19 that need to be dismissed at this time?

20 MS. MOE: Yes, your Honor. The government moves to  
21 dismiss Counts Seven and Eight and any underlying indictments.

22 THE COURT: The motion is granted. Counts Seven and  
23 Eight are dismissed and any underlying indictments are  
24 dismissed.

25 Ms. Maxwell, I am required to inform you of your

M6s2Max2

1 appellate rights. You have the right to appeal your conviction  
2 and your sentence. The notice of appeal must be filed within  
3 14 days of the judgment of conviction.

4 Other matters to take up counsel?

5 MS. MOE: Not from the government, your Honor. Thank  
6 you.

7 MS. STERNHEIM: No. Thank you.

8 THE COURT: Let me note, I will issue a housekeeping  
9 order posttrial to ensure complete docketing of all -- any  
10 outstanding materials and complete records, so please look for  
11 that. I will issue the judgment -- I should just say, Ms. Moe,  
12 the Court intends to indicate the end of the conspiracy date as  
13 the last date in the record, which I believe is in July of  
14 2004, of acts in furtherance of the criminal conduct, and  
15 obviously the government took a different position with respect  
16 to that. But in light of the Court's finding, any objection to  
17 that?

18 MS. MOE: No, your Honor. We will review the  
19 exhibits. If that date is different from the sentencing  
20 transcript, we will submit a letter to the Court, but otherwise  
21 no objection, your Honor.

22 MS. STERNHEIM: No objection.

23 THE COURT: All right.

24 MS. MOE: With apologies, your Honor, with respect to  
25 the judgment, in light of the Court's decision to impose an

M6s2Max2

1 above-guidelines sentence and an above-guidelines fine, we  
2 would respectfully request that the Court address both the  
3 sentence and the fine in the Court's statement of reasons.

4 THE COURT: Yeah, I actually -- guideline range, let  
5 me just check. I meant to talk about that. I'm not sure it is  
6 an above-guidelines, but it may be since, as we know, I read  
7 over five to mean five. So maybe I got that wrong. Let me  
8 just check.

9 Oh, you are right. It is 20 to 200,000 for each  
10 count. Do I have that right?

11 MS. MOE: Yes, your Honor. Thank you.

12 THE COURT: All right. Thank you.

13 I want to thank counsel. As I indicated, I do thank  
14 the victims who made statements in writing or orally and their  
15 counsel who supported them in that endeavor. I thank counsel  
16 for Ms. Maxwell and counsel for the government.

17 We are adjourned.

18 oOo